NOTE

This Microfiche meets the quality requirements of the American National Standard for Microfiche of Documents (ANSI PH5.9-1975). However, because of imperfections in the document from which it was made, it contains images that are illegible or difficult to read. The source document for this microfiche is the best copy that could be obtained prior to filming.

CIS Congressional Information Service, Washington D C

S. HRG. 101-461

MISCELLANEOUS PARKS AND WILD AND SCENIC RIVERS BILLS

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

S. 1046	S. 1559
S. 1302	S. 1594
S. 1524	H.R. 1472

OCTOBER 24, 1989

Printed for the use of the
Committee on Energy and Natural Resources

U.S. GOVERNMENT PRINTING OFFICE

26-387 WASHINGTON : 1990

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

S 311-15.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

J. BENNETT JOHNSTON, Louisiana, *Chairman*

DALE BUMPERS, Arkansas	JAMES A. McCLURE, Idaho
WENDELL H. FORD, Kentucky	MARK O. HATFIELD, Oregon
HOWARD M. METZENBAUM, Ohio	PETE V. DOMENICI, New Mexico
BILL BRADLEY, New Jersey	MALCOLM WALLOP, Wyoming
JEFF BINGAMAN, New Mexico	FRANK H. MURKOWSKI, Alaska
TIMOTHY E. WIRTH, Colorado	DON NICKLES, Oklahoma
KENT CONRAD, North Dakota	CONRAD BURNS, Montana
HOWELL T. HEFLIN, Alabama	JAKE GARN, Utah
JOHN D. ROCKEFELLER IV, West Virginia	MITCH McCONNELL, Kentucky

DARYL OWEN, *Staff Director*
D. MICHAEL HARVEY, *Chief Counsel*
FRANK M. CUSHING, *Staff Director for the Minority*
GARY G. ELLSWORTH, *Chief Counsel for the Minority*

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

DALE BUMPERS, Arkansas, *Chairman*
TIMOTHY E. WIRTH, Colorado, *Vice Chairman*

BILL BRADLEY, New Jersey	MALCOLM WALLOP, Wyoming
JEFF BINGAMAN, New Mexico	MARK O. HATFIELD, Oregon
KENT CONRAD, North Dakota	CONRAD BURNS, Montana
JOHN D. ROCKEFELLER IV, West Virginia	JAKE GARN, Utah
	PETE V. DOMENICI, New Mexico

J. BENNETT JOHNSTON and JAMES A. MCCLURE are Ex Officio Members of the Subcommittee

THOMAS B. WILLIAMS, *Senior Professional Staff Member*
ELIZABETH J. NORCROSS, *Professional Staff Member*
J. DAVID BROOKS, *Counsel*
JIM O'TOOLE, *Professional Staff Member (Minority)*

CONTENTS

	Page
S. 1046	16
S. 1302	18
S. 1524	23
S. 1559	25
S. 1594	31
H.R. 1472	36

STATEMENTS

Bentsen, Hon. Lloyd, U.S. Senator from Texas	51
Blackmer, Stephen D., city councilor, Concord, NH	153
Bumpers, Hon. Dale, U.S. Senator from Arkansas	1
Cables, Herbert, Jr., Deputy Director, National Park Service, Department of the Interior, accompanied by Alexander Rives; Daniel R. Kuehn; and Edwin C. Bearss	81
Coyle, Kevin J., vice president and conservation director, American Rivers, Inc	146
Douglas, Hon. Chuck, U.S. Representative from New Hampshire	11
Gallagher, Dr. Gary W., president, Association for the Preservation of Civil War Sites	111
Heinz, Hon. John, U.S. Senator from Pennsylvania	51
Henson, Larry, Associate Deputy Chief, Forest Service, Department of Agriculture	102
Humphrey, Hon. Gordon J., U.S. Senator from New Hampshire	71
Johnston, Maxine, on behalf of the Big Thicket Conservation Association; the Lone Star Chapter, Sierra Club; and the Texas Committee on Natural Resources	121
McDaniel, Charles G., Fredericksburg, VA	106
Riegle, Hon. Donald W. Jr., U.S. Senator from Michigan	5
Rudman, Hon. Warren, U.S. Senator from New Hampshire	8
Schlesinger, Patricia, president, Pemigewasset River Council, New Hampton, NH	161
Slaughter, Hon. D. French Jr., U.S. Representative from Virginia	59
Smith, Hon. Robert C., U.S. Representative from New Hampshire	13
Specter, Hon. Arlen, U.S. Senator from Pennsylvania	53
Wallop, Hon. Malcolm, U.S. Senator from Wyoming	3
Warner, Hon. John, U.S. Senator from Virginia	63
Wilson, Hon. Charles, U.S. Representative from Texas	75
Wright, Brenda, president, Citizens To Save Village Creek	131

APPENDIX

Additional material submitted for the record	181

MISCELLANEOUS PARKS AND WILD AND SCENIC RIVERS BILLS

TUESDAY, OCTOBER 24, 1989

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:34 p.m. in room SD-366, Dirksen Senate Office Building, Hon. Dale Bumpers, presiding.

OPENING STATEMENT OF HON. DALE BUMPERS, U.S. SENATOR FROM ARKANSAS

Senator BUMPERS. The subcommittee will come to order.

The purpose of today's hearing is to receive testimony on six measures pending before the Subcommittee on Public Lands, National Parks and Forests. The bills are:

S. 1046, to study the Merrimack River in New Hampshire for inclusion in the National Wild and Scenic Rivers System;

S. 1302 and its companion measure, H.R. 919, the Big Thicket National Preserve Addition Act of 1989;

S. 1524, to study segments of the Pemigewasset River in New Hampshire for inclusion in the National Wild and Scenic Rivers System;

S. 1559 and its companion measure, H.R. 875, to expand the boundaries of the Fredericksburg and Spotsylvania Battlefields National Memorial Park;

S. 1594, a bill to revise the boundary of Gettysburg National Military Park;

And H.R. 1472, an Act to establish the Grand Island National Recreation Area in Michigan.

Before beginning, I would like to make a few comments about S. 1559, the Fredericksburg and Spotsylvania battlefield addition, which I have cosponsored. I normally do not cosponsor legislation that comes before this subcommittee prior to hearing. But the four major Civil War battle sites represented here—Fredericksburg, Chancellorsville, Wilderness, and Spotsylvania Court House—are areas of such unquestioned historical significance, and when Senator Warner asked me to cosponsor S. 1559 I was pleased to agree.

I look forward to moving this legislation, which has already passed the House, expeditiously through this committee. I hope that we will be able to protect these important resources while we

still have the opportunity, before they are lost to increased development.

Because of the large number of measures to be heard today and the limited amount of time available, I want to ask each witness to please summarize, if possible. Your entire statement of course will be entered into the hearing record, and I respectfully request that we confine oral statements to no more than five minutes.

At this time I place copies of all six measures into the hearing record. The record will remain open for two weeks to receive additional comments and testimony.

Our first two witnesses today are Senator Lloyd Bentsen and the Honorable Charles Wilson of the U.S. House of Representatives—I am sorry, I have got you out of line here.

Senator Bentsen is our first witness, followed by Senator Heinz, Senator Warner, Senator Humphrey, Senator Specter, Congressman Wilson, and Congressman Slaughter, and then representatives of the Park Service.

Senator Bentsen, we are very pleased to have you with us. We look forward to hearing your testimony.

[The prepared statements of Senators Wallop, Riegle, Rudman, Congressmen Douglas and Smith of New Hampshire, and the texts of the bills follow:]

Malcolm Wallop

Statement

Senator Malcolm Wallop

Subcommittee on Public Lands, National Parks and Forests

Hearing on S. 1046, S. 1302, S. 1524, S. 1559,

S. 1594, and H.R. 1472

October 24, 1989

Mr. Chairman, thank you for scheduling this hearing to enable us to discuss the merits six public lands measures affecting the states of New Hampshire, Pennsylvania, Virginia, Texas and Michigan. I am well aware of the hard work that my distinguished colleagues have accomplished in attempting to secure passage of these bills.

However, I am troubled by the three park expansion bills, those affecting Big Thicket National Preserve, Fredericksburg and Spotsylvania County Battlefield Memorial National Military Park, and Gettysburg National Military Park. While I commend the efforts of Park Service personnel in their diligent work with the surrounding local communities to alleviate most of the controversy normally existent with similar legislation, I find it difficult to support authorizations which will total

approximately $50 million.

Mr. Chairman, I have spoken to this issue on several occasions and I will attempt not to be redundant. However, I am extremely concerned with the fact that we have a backlog of acquisition programs for national parks, monuments, preserves, and recreation areas for which there is virtually no funding. While each of the bills we are discussing today all have their merits, we must weigh them within the context of the limited fiscal resources available to us.

Thank you, Mr. Chairman. I look forward to hearing the testimony of the witnesses today.

STATEMENT OF DONALD W. RIEGLE
H.R. 1472
A bill to Establish the Grand Island National Recreation Area

Energy and Natural Resources Committee
Subcommitte on Public Lands
Dale Bumpers, Chairman

Mr. Chairman: It is indeed a pleasure today to offer my support for H.R. 1472, a bill to establish Grand Island as a national recreation area. I introduced an identical bill, S. 1569 and hope for swift passage.

Grand Island is a unique natural treasure of unparalleled beauty. From the pristine and isolated beaches to the imposing shear cliffs rising 200 feet above Lake Superior, this island is a wonder to behold. In the interior of the island you will find the world's third largest beaver-formed lake. Eagles, bear, and numerous other wildlife make the island their home. This fragile and unique resource deserves the protection and stewardship of the U.S. Forest Service. We need professional management of this island and we need to make it accessible to all Americans.

The bill before this committee represents three years of careful discussion resulting in a measure acceptable to the parties concerned with this proposed recreation area. The islanders, who now have exclusive access to the island, are ready to share their seasonal home with the nation. They are willing to do this in the knowledge that their island will be forever protected from unbridled development and unsound environmental practices. The people of Munising have agreed to this plan because they have come to realize that the qualities that make Grand Island a valuable economic resource are beauty, isolation and quiet grandeur. Through the careful management of the Forest Service many people will be able to enjoy this unique resource and will,

I hope, leave with a new spirit of commitment to preserving our public lands.

The compromise that is represented by H.R. 1472 demonstrates that by working together we can reconcile the need for limited development, and protection of fragile and unique resources. While 55 acres of the island are slated for development consistent with the forest management plan, over 12,000 acres will remain undeveloped and timber cuts are forbidden. Some roads will remain open to motorized vehicles, while others will be reserved for hiking only. Under the Forest Service planning process, with strong public involvement, Grand Island will be accessible to people in various states of physical fitness, while protecting the ecosystem that will make the island a destination for countless travelers.

I commend the people of Munising, the summer residents of Grand Island, the conservation community and local officials for their patience and willingness to develop a fair bill for all parties involved in this project.

In summary, I strongly support the creation the Grand Island National Recreation Area. We must act today to preserve our nation's valuable wild places so future generations can experience the important parts of our heritage. I urge swift consideration and passage of H.R. 1472.

STATEMENT BY U.S. SENATOR WARREN B. RUDMAN
BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
S. 1046, THE MERRIMACK RIVER STUDY ACT OF 1989
S. 1524, THE PEMIGEWASSET RIVER STUDY ACT OF 1989

Mr. Chairman and members of the Subcommittee, I am here today to testify in favor of S. 1046 and S. 1524, legislation to authorize studies by the National Park Service of the Merrimack and Pemigewasset Rivers. I very much appreciate being given the opportunity to testify.

Mr. Chairman, let me take this opportunity to thank you and the other members of the Subcommittee for supporting enactment of legislation, in the 100th Congress, to designate the Wildcat River as part of the national Wild and Scenic River system. It is clear to me that this effort has led to the initiation of other river protection efforts such as the two New Hampshire river bills being considered here today.

Let me begin my remarks by discussing S. 1046, the Merrimack River Study Act, a bill authorizing the National Park Service to study a 22 mile segment of the river for possible inclusion in the national Wild and Scenic River system.

The Merrimack River is one of the ten largest river systems in the northeast, and the fourth largest river basin lying wholly in New England, covering an area of 5,010 square miles. In the 19th century, this renowned waterpower stream provided power for many of the textile mills in New Hampshire and Massachusetts. While for much of the 20th Century, the Merrimack was among the most polluted rivers in the country, today, through the efforts of federal, state and local efforts, the Merrimack has seen a resurgence in its natural, scenic, and recreational values, while development pressures mount on the communities along the river. Atlantic Salmon and shad have returned to the river, and the American bald eagle, listed by the federal endangered species program, uses the river corridor as a wintering ground. Finally, New Hampshire residents and tourists alike use the river for many forms of recreation and enjoyment.

In 1986, a number of communities along the Merrimack River organized to protect the river from a proposed hydro facility at Sewall's Falls. The hydro facility proposal has since been withdrawn, but the interest in long term protection of the river has continued. Groups such as the Merrimack River Coordinating Committee, Friends of the Merrimack, the Merrimack River Watershed Council, the Society for the Protection of New Hampshire Forests, and the New Hampshire Wildlife Federation have been particularly active. In April 1988, the New Hampshire Office of State Planning initiated a study of the Merrimack River, which is currently underway. I envision that the federal study will dovetail with the existing state study.

For two years, the Merrimack River Coordinating Committee has been working with all local communities and the various interests to build a consensus on the long term protection of the Merrimack. The legislation you are considering today represents that consensus. This measure has the support of Governor Gregg and all the communities along the proposed study segment. Moreover, the National Park Service added the 22 mile segment of the Merrimack River to the National Rivers Inventory in 1982, identifying it as a potential National Wild and Scenic River.

I also want to take a few minutes to discuss S. 1524, the Pemigewasset River Study Act of 1989, a bill authorizing the National Park Service to study segments of the Pemigewasset River for possible inclusion in the national Wild and Scenic River system. This legislation is the result of years of determined effort by individuals who care deeply about the fate of the Pemigewasset River.

The Pemigewasset River corridor contains remarkable scenic, recreation, fish and wildlife, and geologic values that will be reviewed during a study by the National Park Service. The stunning views of the White Mountains and the New Hampshire countryside from the river have delighted tourists and local residents alike for over a century. The river is used extensively for canoeing and boating, and there are many camping and recreational sites along its banks.

For decades the Pemi was polluted with industrial and municipal waste making it unfit habitat for fish and wildlife and causing a variety of discomfort for local residents. It was not until the late 1970's that the river began to recover from the many years of neglect and misuse. Once pollution was effectively abated, fish and wildlife returned and so did local residents and tourists seeking recreation on the river and its shoreline.

It was this increased pressure on the river and concern over extensive vaction-home development taking place on area lakes, that led to the formation of the Pemigewasset River Council, whose primary purpose is to preserve the current character, open space, visual appearance, and water quality of the river. This group has worked tirelessly to garner state and local support in favor of Wild and Scenic River designation and their efforts have paid off. The bill is supported by Governor Gregg and the nine communities along the proposed study segments. In fact, six out of the nine communities have adopted restrictive river overlay plans to protect the river from adverse development.

Mr. Chairman, the State of New Hampshire is known for its commitment to the preservation of our natural resources. S. 1046 and S. 1524 are excellent examples of this commitment. I am proud to be a part of this effort and I urge the Subcommittee to favorably report these measures to the full Senate as soon as practicable.

Mr. Chairman, I would like to submit copies of letters supporting S. 1046 from Governor Gregg and local communities, as well as, a report by the State of New Hampshire on the Merrimack River. Thank you for your consideration.

Committee Note.--Material submitted by Senator Rudman appears in the Appendix.

Congress of the United States

TESTIMONY OF

REPRESENTATIVE CHUCK DOUGLAS

IN SUPPORT OF LEGISLATION TO DESIGNATE
THE MERRIMACK AND PEMIGEWASSET RIVERS
AS WILD AND SCENIC

BEFORE THE SENATE COMMITTEE ON NATURAL RESOURCES,
THE SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS

TUESDAY, OCTOBER 24, 1989

I AM PLEASED TO HAVE THIS OPPORTUNITY TO SUBMIT MY STATEMENT IN SUPPORT OF LEGISLATION THAT CALLS FOR THE AMENDING OF THE WILD AND SCENIC RIVERS ACT WHICH WOULD DESIGNATE SEGMENTS OF BOTH THE MERRIMACK AND THE PEMIGEWASSET RIVERS IN THE STATE OF NEW HAMPSHIRE FOR STUDY AS NATIONAL WILD AND SCENIC RIVERS.

THE SEGMENT OF THE MERRIMACK RIVER PROPOSED FOR STUDY EXTENDS 22 MILES FROM FRANKLIN TO CONCORD, NEW HAMPSHIRE. THIS LEGISLATION WAS INTRODUCED WITH SUPPORT FROM LOCAL AND STATE OFFICIALS AND WITH A WRITTEN ENDORSEMENT FROM GOVERNOR GREGG. THE RIVER SEGMENT HAS UNUSUAL CHARACTERISTICS THAT MAKE IT ESPECIALLY WORTHY OF PRESERVATION. HISTORICALLY, THIS RIVER SERVED AS THE HIGHWAY FOR EARLY SETTLERS. INDIAN VILLAGES SPOTTED THE SHORES, AND LATER, THE NUMEROUS FALLS OF THE MERRIMACK SERVED TO POWER THE MILLS OF THE INDUSTRIAL REVOLUTION.

THE RIVER HAS AN ABUNDANCE OF FISH RANGING FROM RAINBOW TROUT, TO WHITE PERCH, TO THE GREAT ATLANTIC SALMON. THE RIVER FALLS UNDER THE RANKING OF "CLASS B", MEANING THAT THE RIVER IS NOW CLEAN ENOUGH FOR SWIMMING AND FISHING. JUST FIFTEEN YEARS AGO THIS RIVER WAS NAMED ONE OF THE TWELVE MOST POLLUTED RIVERS IN THE NATION.

THE RIVER'S SHORES ARE TEEMING WITH WILDLIFE, AND THE AREA IS ALSO FREQUENTED BY THE FEDERALLY ENDANGERED BALD EAGLE. AS IS TRUE WITH MOST OF NEW HAMPSHIRE'S RIVERS, THE PEOPLE OF THE STATE AND THE MANY TOURISTS ENJOY THE RECREATIONAL OPPORTUNITIES THAT EXIST.

THE PEMIGEWASSET RIVER WAS SO NAMED BY THE ABENAKI INDIAN TRIBES THAT ONCE LIVED IN THE RIVER VALLEY THERE. PEMIGEWASSET MEANS RAPID OR SWIFT CURRENT, WHICH DESCRIBES WELL THIS FREE-FLOWING RIVER OF NORTHERN NEW HAMPSHIRE.

THIS RIVER IS ALSO IN NEED OF A LONG-TERM PROTECTION PLAN. IT EXTENDS FOR 70 MILES MOSTLY IN THE NORTH COUNTRY AND CONTAINS OUTSTANDING SCENIC, RECREATIONAL AND NATURAL ASSETS. SUPPORT FOR DESIGNATION OF THIS RIVER AS WILD AND SCENIC IS WIDESPREAD THROUGHOUT THE TOWNS LOCATED ALONG THE BANKS AND FROM THE GOVERNOR.

THE INTENT OF LEGISLATION TO PROTECT THESE TWO RIVERS IS TO PROMOTE BOTH RIVER CONSERVATION AND PUBLIC RECREATIONAL ACTIVITIES SO THAT FUTURE GENERATIONS CAN ENJOY THE BEAUTY, WILDLIFE AND OTHER ENVIRONMENTAL CHARACTERISTICS EMBODIED IN THESE RIVERS.

I URGE THE MEMBERS OF THE SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS TO REVIEW CAREFULLY THE MERITS OF INCLUDING THE MERRIMACK RIVER AND THE PEMIGEWASSET RIVER IN THE NATIONAL WILD AND SCENIC RIVERS ACT. I LOOK FORWARD TO WORKING WITH YOU AS WE STRIVE TO PRESERVE THE NATURAL RESOURCES OF OUR NATION. WE MUST ALSO BE READY TO PERMIT DEVELOPMENT AT CERTAIN POINTS ALONG THE RIVER. THUS, THE STUDY PROCESS MUST BE A BALANCED LOOK AT BOTH OUR STATE'S ENVIRONMENTAL NEEDS AND ECONOMIC STABILITY AND GROWTH IN NEW HAMPSHIRE.

CONGRESSMAN ROBERT C. SMITH

OF NEW HAMPSHIRE

BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Tuesday, October 24, 1989

Mr. Chairman, thank you for allowing me to testify on behalf of two bills which direct the National Park Service to study the Merrimack (S.1046) and Pemigewasset (S.1524) Rivers in New Hampshire for possible addition to the federal wild and scenic rivers system.

The Merrimack, which is one of the ten largest rivers in the Northeast, has a special history. It begins in Franklin, New Hampshire at the confluence of the Pemigewasset and Winnepesaukee Rivers, and flows gently southward into eastern Massachusetts to the Atlantic Ocean. For thousands of years before the colonists first arrived, native Americans settled its banks. In the nineteenth century, the river powered the mills of Manchester, New Hampshire, as well as Lawrence and Lowell, Massachusetts. Today, the Merrimack attracts many recreationists.

S.1046 would designate just one 22-mile segment of the Merrimack for study as a federal wild and scenic river. This section of the river not only possesses outstanding scenic values, but includes the remains of the world's oldest and longest timber crib dam, a nineteenth century power structure which is eligible for inclusion in the National Register. Atlantic salmon are now returning to its streambed, and the federally endangered bald eagle currently uses the river as a wintering ground. Among recreationists, fishing, canoeing, boating, and birding activities on the Merrimack are popular. Passage of S.1046, like the companion legislation I introduced in the House, would help provide the basis for th protection of these resources.

In 1986, a number of communities along the Merrimack organized to protect the river from a proposed dam at Sewall's Falls, New Hampshire. While that dam application has since been withdrawn, local interest in long-term protection of the Merrimack continues. A number of area residents have banded together to form grass-roots organizations dedicated to the river's preservation. The selectmen of all seven towns through which this segment flows have formally called on the congressional delegation to pursue study legislation; many landowners along the river segment support study legislation as well.

Similarly, along its stretch from the White Mountains into Bristol, New Hampshire, the free-flowing Pemigewasset contains many resources of tremendous environmental significance. Wildlife, including river otter, mink, beaver, and muskrat, rely on the natural, whitewater river for most or all of their habitat. White-tailed deer, moose, raccoon, and foxes roam its banks. Many species of birds use the river for nesting and feeding, and fish are in abundant supply.

In addition, this uniquely beautiful, New England river has several points of exceptional historical significance. It served such early colonists as Daniel Webster and Matthew Thornton, as well as some famous native Americans. Its banks have also been frequented by the poet Robert Frost and the Nobel recipient George Whipple.

S.1524, like its companion legislation in the House, would address two segments of the Pemigewasset: one from Profile Lake in Franconia to the southern boundary of the Franconia Notch State Park; and the other from the northern town line of Thornton to the Route 104 bridge in New Hampton. The legislation directs the U.S. Park Service to complete a wild and scenic study of this 30-mile portion of the river no later than three years after enactment of S.1524.

There is strong support among area residents, landowners, and river users for such a study effort. Nine local communities have banded together to protect the two segments of the Pemigewasset addressed by S.1524. Six towns have already placed development restrictions along this 30-mile section of the river, and the other three towns are working on similar plans. Those who live along the Pemigewasset fear that the Federal Energy Commssion will grant an application for a dam in the town of Campton, New Hampshire. Designating the river for study would prevent the construction of the dam.

The efforts to designate both the Merrimack and the Pemigewasset for federal study also have broad support at the federal and state levels. The entire New Hampshire congressional delegation and Governor Gregg of New Hampshire have formally endorsed the idea of studies in writing. Part of the Pemigewasset is already on the 1982 Park Service List of outstanding rivers. Similarly, the National Park Service added a section of the Merrimack to the National Rivers Inventory in 1982, identifying it as a potential National Wild and Scenic River. American Rivers, the nation's principal river-saving organization, also has placed the Merrimack second on its list of the most endangered rivers in the United States.

In view of the growing need to protect our nation's undeveloped river resources and the widespread support for a wild and scenic study of the Merrimack and Pemigewasset Rivers, I urge your support for this needed legislation. Mr. Chairman, thank you and the other Members of the Subcommitee again for allowing me to testify today.

II

101ST CONGRESS
1ST SESSION

S. 1046

To designate the Merrimack River, in the State of New Hampshire, as a river to be studied for inclusion in the National Wild and Scenic Rivers System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 18 (legislative day, JANUARY 3), 1989

Mr. RUDMAN (for himself and Mr. HUMPHREY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To designate the Merrimack River, in the State of New Hampshire, as a river to be studied for inclusion in the National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Merrimack River Study Act of 1989".

SEC. 2. STUDY RIVER DESIGNATION.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraph:

"(_____) MERRIMACK RIVER, NEW HAMPSHIRE.—The segment from its origin at the confluence of the Pemigewasset and Winnipesaukee Rivers in Franklin, New Hampshire, to the backwater impoundment at Hooksett Dam, excluding the Garvins Falls Dam and its impoundment.".

SEC. 3. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding the following new paragraph:

"(_____) The study of the Merrimack River, New Hampshire, shall be completed and the report thereon submitted not later 3 years after the date of enactment of the Merrimack River Study Act of 1989.".

II

101ST CONGRESS
1ST SESSION

S. 1302

To increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit.

IN THE SENATE OF THE UNITED STATES

JULY 12 (legislative day, JANUARY 3), 1989

Mr. BENTSEN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Big Thicket National Preserve Addition Act of 1989".

SEC. 2. ADDITIONS TO BIG THICKET NATIONAL PRESERVE.

(a) ADDITIONS.—(1) Subsection (b) of the first section of the Act entitled "An Act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and

for other purposes", approved October 11, 1974 (16 U.S.C. 698), is amended as follows:

(A) Strike out "map entitled 'Big Thicket National Preserve' " and all that follows through "Secretary of the Interior (hereafter referred to as the 'Secretary')" and insert in lieu thereof "map entitled 'Big Thicket National Preserve', dated July, 1988, and numbered BITH175–80,003, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and the offices of the Superintendent of the preserve. After advising the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, in writing, the Secretary of the Interior (hereafter in this Act referred to as the 'Secretary') may make minor revisions of the boundaries of the preserve when necessary by publication of a revised drawing or other boundary description in the Federal Register. The Secretary".

(B) Strike out "and" in the penultimate undesignated paragraph relating to Little Pine Island-Pine Island Bayou corridor unit.

(C) Strike out the period in the ultimate undesignated paragraph relating to Lance Rosier unit and insert in lieu thereof ";".

(D) Add at the end thereof the following:

"Village Creek Corridor unit, Hardin County, Texas, comprising approximately six thousand and eighty-eight acres;

"Big Sandy Corridor unit, Hardin, Polk, and Tyler Counties, Texas, comprising approximately six thousand one hundred and twenty acres; and

"Canyonlands unit, Tyler County, Texas, comprising approximately one thousand seven hundred and ninety-two acres.".

(2) The first sentence of subsection (c) of such Act is amended by adding at the end thereof the following: "Within one year after the enactment of this sentence, the Secretary and the Secretary of Agriculture shall determine which timberlands within their respective jurisdictions in the vicinity of the preserve may be suitable for exchange and shall offer to exchange such lands for timberlands within the boundaries of the preserve which have not previously been acquired. The values of the properties so exchanged shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the respective Secretary as the circumstances require. In the exercise

of this exchange authority, the Secretaries may utilize any authorities or procedures otherwise available to them in connection with land exchanges.".

(b) ACQUISITION.—(1) Subsection (c) of the first section of the Act entitled "An Act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes", approved October 11, 1974 (16 U.S.C. 698), Act is amended by inserting "(1)" after "(c)" and by adding the following at the end:

"(2) Privately owned lands or interests used for non-commercial residential purposes and located within the Village Creek Corridor Unit, the Big Sandy Corridor Unit, or the Canyonlands Unit may be acquired only with the consent of the owner thereof unless the Secretary determines that the property is being developed or proposed to be developed in a manner which is detrimental to the natural, scenic, historical, cultural, and other values for the Preserve was established. For purposes of this paragraph, development or proposed development of private property within the boundaries of the Preserve that is significantly different from, or a significant expansion of, development existing as of October 22, 1987, shall be considered by the Secretary as detrimental to the values for which the Preserve was established.".

(2) Section 3(b) of such Act (16 U.S.C. 698b(b)) is amended by adding at the end thereof "For the purposes of

any improved property located in the Village Creek Corridor unit, the Big Sandy Corridor unit, or the Canyonlands unit, the date 'July 1, 1973' shall be treated as 'October 22, 1987'.".

(c) PUBLICATION OF BOUNDARY DESCRIPTION.—Not later than six months after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a detailed description of the boundary of the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit of the Big Thicket National Preserve.

II

101ST CONGRESS
1ST SESSION

S. 1524

To amend the Wild and Scenic Rivers Act of 1968 by designating segments of the Pemigewasset River in the State of New Hampshire for study as a National Wild and Scenic River.

IN THE SENATE OF THE UNITED STATES

AUGUST 3 (legislative day, JANUARY 3), 1989

Mr. HUMPHREY (for himself and Mr. RUDMAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To amend the Wild and Scenic Rivers Act of 1968 by designating segments of the Pemigewasset River in the State of New Hampshire for study as a National Wild and Scenic River.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pemigewasset River Study Act of 1989".

SEC. 2. STUDY RIVER DESIGNATION.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) as amended, is further amended by adding the following new paragraph at the end thereof:

"( ) PEMIGEWASSET, NEW HAMPSHIRE.—The segments from Profile Lake downstream to the southern boundary of the Franconia Notch State Park and from the northern Thornton town-line downstream to the Route 104 Bridge in New Hampton; by the Secretary of the Interior.".

SEC. 3. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding the following new paragraph:

"( ) The study of the Pemigewasset River, New Hampshire, shall be completed and the report thereon submitted not later than three years after the date of enactment of the Pemigewasset River Study Act of 1989.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

For the purposes of conducting the study of the river named in section 2, there are authorized to be appropriated such sums as may be necessary.

II

101ST CONGRESS
1ST SESSION

S. 1559

To expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park near Fredericksburg, Virginia.

IN THE SENATE OF THE UNITED STATES

AUGUST 4 (legislative day, JANUARY 3), 1989

Mr. WARNER (for himself, Mr. BUMPERS, and Mr. ROBB) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park near Fredericksburg, Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park Expansion Act of 1989".

SEC. 2. REVISION OF PARK BOUNDARIES.

(a) BOUNDARY REVISION.—In furtherance of the purposes of the Act entitled "An Act to establish a national

military park at and near Fredericksburg, Virginia, and to mark and preserve historical points connected with the battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, Virginia," approved February 14, 1927 (44 Stat. 1091), the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park (hereinafter in this Act referred to as the "park") shall hereafter comprise the lands and interests in lands within the boundary generally depicted as "Proposed Park Boundary" on the maps entitled "Fredericksburg and Spotsylvania National Military Park," numbered 326–40075D/89, 326–40074E/89, 326–40069B/89, 326–40070D/89, 326–40071C/89, 326–40072E/89, 326–40076A/89, and 326–40073D/89, and dated June 1989. The maps shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

(b) EXCLUDED LANDS.—Lands and interests in lands within the boundary depicted on the maps referred to in subsection (a) as "Existing Park Boundary" but outside of the boundary depicted as "Proposed Park Boundary" are hereby excluded from the park. The Secretary of the Interior (hereinafter referred to as the "Secretary") may relinquish to the Commonwealth of Virginia exclusive or concurrent legislative jurisdiction over lands excluded from the park by subsec-

tion (a) by filing with the Governor a notice of relinquishment. Such relinquishment shall take effect upon acceptance thereof, or as the laws of the Commonwealth may otherwise provide. If any such lands and interests are not conveyed in an exchange under section 3(b) within five years after the enactment of this Act, the Secretary may sell any or all such lands and interests to the highest bidder and, notwithstanding any other provision of law, retain and use the proceeds to acquire lands and interests within the park.

SEC. 3. ACQUISITIONS AND CONVEYANCES.

(a) ACQUISITION.—The Secretary is authorized to acquire lands and interests in lands within the park, by donation, purchase with donated or appropriated funds or by exchange.

(b) EXCHANGE OF LANDS.—In acquiring lands and interests within the park by exchange, the Secretary may convey Federal lands and interests excluded from the park by section 1.

(c) ALTERNATIVE ACCESS.—In order to facilitate the acquisition by the United States of existing easements or rights of access across Federal lands within the park and to provide the owners of such easements or rights of access with alternative rights of access across nonpark lands, the Secretary may acquire, by donation, purchase with donated or appropriated funds, or exchange, interests in land of similar

estate across lands which are not within the park. With or without the acceptance of payment of cash to equalize the values of the properties, the Secretary may convey such non-park lands or interests in lands to the holders of such existing easements or rights of access across Federal lands within the park in exchange for their conveyance to the United States of such easements or rights. Nothing in this Act shall prohibit the Secretary from acquiring any outstanding easements or rights of access across Federal lands by donation, purchase with donated or appropriated funds or by exchange.

(d) CONSERVATION EASEMENTS.—The Secretary is authorized to accept donations of conservation easements on lands adjacent to the park. Such conservation easements shall have the effect of protecting the scenic and historic resources on park lands and the adjacent lands or preserving the undeveloped or historic appearance of the park when viewed from within or without the park.

(e) OTHER PROVISIONS.—Within the area bounded by the Orange Turnpike, the Orange Plank Road, and McLaws Drive no improved property (as defined in section 4) may be acquired without the consent of the owner thereof unless the Secretary determines that, in his judgment, the property is subject to, or threatened with, uses which are having, or would have, an adverse impact on the park.

SEC. 4. RETAINED RIGHTS.

(a) RETENTION OF USE AND OCCUPANCY.—With the exception of property which the Secretary determines is necessary for development or public use, the owner or owners of improved property acquired pursuant to this Act may retain a right of use and occupancy of such improved property for noncommercial residential purposes for a definite term of not more than twenty-five years, or for a term ending at the death of the owner or the owner's spouse. The owner shall elect the term to be reserved, except that if the owner is a corporation, trust, partnership, or any entity other than an individual, the term shall not exceed twenty-five years. Ownership shall be determined as of June 1, 1989. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value of the right retained by the owner.

(b) TERMS AND CONDITIONS.—Any rights retained pursuant to this section shall be subject to such terms and conditions as the Secretary may prescribe and may be terminated by the Secretary upon his determination and after reasonable notice to the owner thereof that such property is being used for any purpose which is incompatible with the administration, protection, or public use of the park. Such right shall terminate by operation of law upon notification of the owner by the Secretary and tendering to the owner an

amount equal to the fair market value of that portion of the right which remains unexpired.

(c) DEFINITION.—As used in this section, the term "improved property" means a year-round noncommercial single-family dwelling together with such land, in the same ownership as the dwelling, as the Secretary determines is reasonably necessary for the enjoyment of the dwelling for single-family residential use.

SEC. 5. INTERPRETATION.

In administering the park, the Secretary shall take such action as is necessary and appropriate to interpret, for the benefit of visitors to the park and the general public, the battles of Fredericksburg, Chancellorsville, Spotsylvania Courthouse, and the Wilderness in the larger context of the Civil War and American history, including the causes and consequences of the Civil War and including the effects of the war on all the American people, especially on the American South.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

○

II

101ST CONGRESS
1ST SESSION

S. 1594

To revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12 (legislative day, SEPTEMBER 6), 1989

Mr. SPECTER (for himself and Mr. HEINZ) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GETTYSBURG NATIONAL MILITARY PARK BOUNDARY REVISION.

(a) LANDS INCLUDED IN THE PARK.—In furtherance of the purposes of the Act entitled "An Act to establish a national military park at Gettysburg, Pennsylvania", approved February 11, 1895 (16 U.S.C. 430g et seq.), the Gettysburg National Military Park (hereafter in this Act referred to as the "park") shall hereafter comprise the lands and interests

in lands within the boundary generally depicted as "Proposed Park Boundary" on the map entitled "Proposed Boundary Concept", numbered NPS 305/80034, and dated , 198 , which shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior.

(b) LANDS EXCLUDED FROM THE PARK.—Lands and interests in lands outside of the boundary so depicted as "Proposed Park Boundary" on the map referred to in subsection (a) are hereby excluded from the park and shall be disposed of under section 2(o).

SEC. 2. ACQUISITION AND DISPOSAL OF LANDS.

(a) GENERAL AUTHORITY.—The Secretary is authorized to acquire lands and interests in lands within the park by donation, purchase with donated or appropriated funds, exchange, or otherwise.

(b) AUTHORITY TO CONVEY FREEHOLD AND LEASEHOLD INTERESTS WITHIN PARK.—The Secretary may convey lands and interests in lands within the park authorized in accordance with section 5(a) of the Act approved July 15, 1968 (16 U.S.C. 4601–22), except that, notwithstanding subsection (d) of that section, the net proceeds from any such conveyance may be retained and used to acquire lands and interests within the park.

(c) CONVEYANCE OF LANDS EXCLUDED FROM PARK.—In acquiring lands and interests in lands within the park, the Secretary may convey by exchange those Federal lands and interests excluded from the park by section 1. If any such Federal lands and interests are not so conveyed after five years after the date of enactment of this Act, the Secretary may sell any or all such lands and interests to the highest bidder and, notwithstanding any other provision of law, retain and use the net proceeds to acquire lands and interests within the park.

(d) RELINQUISHMENT OF LEGISLATIVE JURISDICTION TO PENNSYLVANIA.—With respect to any lands over which the United States exercises exclusive or concurrent legislative jurisdiction and which are excluded from the park by section 1, the Secretary may relinquish to the Commonwealth of Pennsylvania such exclusive or concurrent legislative jurisdiction by filing with the Governor a notice of relinquishment to take effect upon acceptance thereof, unless otherwise provided by the laws of the Commonwealth.

SEC. 3. AGREEMENTS WITH RESPECT TO MONUMENTS AND TABLETS LOCATED OUTSIDE PARK BOUNDARY.

The Secretary is authorized to enter into agreements with the owners of property outside the boundary of the park on which have been erected historic monuments and tablets commemorating the Battle of Gettysburg. The Secretary

may make funds available for the maintenance, protection, and interpretation of such monuments and tablets pursuant to such agreements. In addition, the Secretary may acquire, by donation, purchase, or exchange, lands and interests comprising such monuments and tablets together with lands and interests necessary to provide adequate public access thereto.

SEC. 4. CONSERVATION OF HISTORIC SETTING.

The Secretary shall take appropriate action to encourage conservation of the battlefield setting at Gettysburg by landowners, local governments, organizations, and businesses. The Secretary shall give priority in making grants under section 101(d), and in providing technical assistance, information, and advice under section 101(h), of the National Historic Preservation Act (16 U.S.C. 470a(d), (h)) to programs and activities that will assure development and use of natural and cultural resources in a manner that is consistent with the conservation and maintenance of the historic character of the battlefield setting. The Secretary shall also provide, on a request basis, technical assistance to assist local governments in cooperative efforts which complement the values of the park and battlefield and to help landowners prepare individual property plans which meet landowner and conservation objectives in the area known as the "Battlefield Setting" as depicted on the map referred to in section 1(a).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

○

II

101ST CONGRESS
1ST SESSION

H. R. 1472

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 7 (legislative day, SEPTEMBER 6), 1989

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF GRAND ISLAND NATIONAL RECREATION AREA.

In order to preserve and protect for present and future generations the outstanding resources and values of Grand Island in Lake Superior, Michigan, and for the purposes of providing for the conservation, protection, and enhancement of its scenery, recreation, fish and wildlife, vegetation, botany

and historical and cultural resources, there is hereby established the Grand Island National Recreation Area (hereafter in this Act referred to as the "national recreation area"). These resources and values include, but are not limited to, cliffs, caves, beaches, forested appearance, natural biological diversity, and features of early settlement.

SEC. 2. BOUNDARIES.

The national recreation area shall comprise all of the Grand Island in Lake Superior, Michigan, and all associated rocks, pinnacles, and islands and islets within one-quarter mile of the shore of Grand Island. The boundaries of the Hiawatha National Forest are hereby extended to include all of the lands within the national recreation area. All such extended boundaries shall be deemed boundaries in existence as of January 1, 1965, for the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9). All federally owned lands within the national recreation area on the date of enactment of this Act are hereby components of the National Forest System and shall be administered by the Secretary of Agriculture as provided in this Act.

SEC. 3. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid existing rights, the Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") shall administer the national recreation area in accordance with the laws, rules, and regulations ap-

plicable to the National Forest System in furtherance of the purposes for which the national recreation area was established.

(b) SPECIAL MANAGEMENT REQUIREMENTS.—The national recreation area also shall be administered according to the following special management requirements:

(1) Subject to such terms and conditions as may be prescribed by the Secretary, including the protection of threatened and endangered species and the protection of other natural, cultural, and scenic values, owners of privately owned land and homes within the national recreation area shall be afforded access across National Forest System lands.

(2) Consistent with section 7 of this Act, and the purposes of this Act, the Secretary shall provide for and maintain traditional public access, including vehicular roads for general recreational activities such as camping, hiking, hunting, fishing, and trapping.

(3) The Secretary shall permit the use of snowmobiles on Federal lands in the national recreation area in accordance with the rules and regulations of the National Forest System and consistent with the management plan developed pursuant to section 7 of this Act. Such use shall be regulated to protect the resources of

the national recreation area in a way that minimizes the degradation of these resources.

(4) Timber management shall be utilized only as a tool to enhance public recreation, scenic quality, game and nongame wildlife species, and the protection and enhancement of threatened, endangered, or sensitive species. Trees damaged or downed due to fire, insects, disease, or blowdown may be utilized, salvaged, or removed from the recreation area as authorized by the Secretary to further the purposes of the national recreation area.

(5) The Secretary shall, after acquiring fee title to at least 10,000 acres of land on Grand Island, provide reasonable water transportation from the mainland to Grand Island. Transportation may be provided through concession, permit, or other means, and a reasonable charge may be imposed. Transportation shall be subject to reasonable regulation by the Secretary and shall not be required when the Secretary deems it to be unsafe because of factors such as weather and water conditions.

(6) The Secretary shall provide through concession, permit, or other means docking and lodge facilities consistent with the management plan developed pursuant to section 7 of this Act.

(7) The Secretary shall take reasonable actions to provide for public health and safety and for the protection of the national recreation area in the event of fire or infestation of insects or disease.

(8) Under the authority of the Act of March 4, 1915, as amended (16 U.S.C. 497), the Secretary shall issue occupancy and use permits for any privately owned home as of the date of Federal acquisition of the land within the national recreation area on which the home is located. Any such permit shall be issued for an initial period of 20 years and shall be renewed thereafter for successive 20-year periods so long as the permittee is in compliance with the purposes of this Act, the terms of the permit, and other applicable rules and regulations. Any such permit shall be issued in accordance with the laws, rules, and regulations of the Secretary pertaining to the National Forest System, except that such permit shall be subject to the following special provisions:

(A) Such permit may only be issued to the owner of such home as of the date of Federal acquisition of the property, such owner's spouse, the children and grandchildren of such owner and spouse, and their direct lineal descendants (natural or adopted offspring).

(B) Only noncommercial recreation occupancy may be permitted.

(C) The Secretary shall collect fees on an annual basis based on the fair market value of the occupancy permitted.

(D) The expansion, remodeling, or reconstruction of such homes shall be subject to approval of and regulation by the Secretary. No expansion, remodeling, or reconstruction may increase the height of structure or result in an increase of more than 25 percent of the sum of the exterior dimensions of a structure as it existed on the date of enactment of this Act. Any expansion, remodeling, or reconstruction shall be consistent with the criteria developed pursuant to section 7(b)(4) of this Act and shall be subject to such other terms and conditions as the Secretary may prescribe.

(E) Any such home may be purchased at the fair market value of the structure and improvements by the Secretary on a willing seller basis.

(F) The permit may be terminated at any time for failure to comply with its terms and conditions and applicable regulations without cost to

the Federal Government in accordance with the permit.

(G) After termination of any such permit, if any improvements or property are not removed by their owner within one year of the termination, they shall become the property of the Federal Government.

(9) Solely for purposes of payments pursuant to section 6904 of title 31, United States Code, lands on Grand Island acquired by the United States after the date of enactment of this Act shall be considered to have been acquired for addition to a National Forest Wilderness Area (national forest portion of the National Wilderness Preservation System).

SEC. 4. ACQUISITION.

(a) GENERAL AUTHORITY.—The Secretary is authorized and directed to acquire by purchase, gift, exchange, or otherwise, lands, waters, structures, or interests therein, including scenic or other easements, within the boundaries of the national recreation area to further the purposes of this Act. The Secretary also is authorized and directed to acquire lands or structures by such means on the mainland to the extent necessary for access to and administrative facilities for the national recreation area. In acquiring lands or structures under this subsection, the Secretary is directed to give

prompt and careful consideration to any offer to sell land or structures made by an individual, organization, or any legal entity owning property within the boundaries of the national recreation area.

(b) PRIVATE LANDS.—(1) An owner of unimproved real property within the national recreation area may construct recreational residences that are historically consistent with other structures within the national recreation area, as described by the management plan developed pursuant to section 7 of this Act.

(2) Any privately owned lands, interests in lands, or structures within the national recreation area shall not be disposed of by donation, exchange, sale, or other conveyance without first being offered at no more than fair market value to the Secretary. The Secretary shall be given a period of 120 days to accept an offer and, after such offer is accepted, a period of 45 days after the end of the fiscal year following the fiscal year in which the offer was accepted to acquire such lands, interests in lands, or structures. No such lands, interests in lands, or structures shall be sold or conveyed at a price below the price at which they have been offered for sale to the Secretary, and if such lands, interest in lands, or structures are reoffered for sale or conveyance they shall first be reoffered to the Secretary, except that this subsection shall not apply to a change in ownership of a property within the

immediate family of the owner of record on January 1, 1989. For the purposes of this subsection, the term "immediate family" means, with respect to any such owner of record, the spouse, siblings, children (whether natural or adopted), and lineal descendants of that owner.

SEC. 5. FISH AND GAME.

(a) IN GENERAL.—Nothing in this Act shall be construed as affecting the responsibilities of the State of Michigan with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping in any lands acquired and managed by the Secretary under this Act, except that the Secretary may, in consultation with the State of Michigan, designate zones where, and establish periods when, no hunting, fishing or trapping shall be permitted for reasons of public safety, administration, the protection of nongame species and their habitats, or public use and enjoyment.

(b) NOTICE OF SECRETARIAL ACTION.—As soon as practicable after each case in which the Secretary exercises authority under subsection (a), the Secretary, in consultation with appropriate officials of the State of Michigan, shall take steps to notify area residents as to the nature of actions taken, and the location of zones designated and periods established, under subsection (a).

(c) CONSULTATION.—Except in emergencies, any regulations of the Secretary pursuant to this section shall be put

into effect after consultation with the fish and wildlife agency of the State of Michigan.

SEC. 6. MINERALS.

Subject to valid existing rights, the lands within the national recreation area are hereby withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing including all laws pertaining to geothermal leasing. Also subject to valid existing rights, the Secretary shall not allow any mineral development on federally owned land within the national recreation area, except that common varieties of mineral materials, such as stone, and gravel, may be utilized only as authorized by the Secretary to the extent necessary for construction and maintenance of roads and facilities within the national recreation area.

SEC. 7. MANAGEMENT PLAN.

(a) DEVELOPMENT.—After the Secretary acquires fee title to at least 10,000 acres of land on Grand Island, the Secretary, within 30 months, shall develop with public involvement a comprehensive management plan for the national recreation area which implements the provisions of this Act.

(b) SPECIAL ISSUES TO BE INCLUDED.—The comprehensive management plan shall include, but not be limited to, the following issues:

(1) Public recreation, including consideration of a range of appropriate recreational opportunities consistent with the rustic, natural, and historic character of the island, including, but not limited to, a system of trails and campsites in conjunction with the lodge referred to in paragraph (2) of this section.

(2) The feasibility of a concessionaire constructed, operated, and maintained rustic lodge and educational facility on no more than 55 acres located so as not to impair or alter existing scenic views or the existing tree line and forested appearance of Grand Island from any point within the boundaries of Pictured Rocks National Lakeshore. The plan shall address the economics of constructing, operating, and maintaining such a facility by a concessionaire or other entity; access by roads and waters; utilities; waste water treatment, garbage disposal, and other associated environmental impacts; management operations including construction, operation and maintenance; and the potential for permitted uses by government agencies, profit and nonprofit organizations, or individuals.

(3) Prescriptions concerning any management and harvest of timber, subject to section 3(b)(4) of this Act.

(4) General design criteria for new facilities or the improvement of existing facilities that are compatible

with the rustic, natural, and historic character of the island and their topographic and geological location, and that do not impair scenic views from the Pictured Rocks National Lakeshore.

(5) Water transportation from the mainland to the national recreation area by a concessionaire or other entity.

(6) The feasibility of concessionaire constructed, operated, and maintained docking facilities in the national recreation area and on the mainland.

(7) An inventory and assessment of existing traditional roads, the level of road use, access needs, and any vehicular regulation and management needed to protect the resources of the national recreation area while, at the same time, providing reasonable access to private property.

(c) CONSULTATION.—In preparing the comprehensive management plan, the Secretary shall consult with the appropriate State and local government officials, provide for full public participation, and consider the views of all interested parties, organizations, and individuals.

SEC. 8. GRAND ISLAND ADVISORY COMMISSION.

(a) ESTABLISHMENT.—Subject to appointments as provided in subsection (b), there is established a Grand Island Advisory Commission (hereafter in this Act referred to as the

"Commission") comprised of 12 members for the purpose of advising the Secretary on the preparation of the management plan which is provided for in section 7 of this Act.

(b) APPOINTMENT.—(1) Commission members shall be appointed by the Secretary as follows:

(A) Three non-voting members, who shall be employees of the Forest Service including the Forest Supervisor of the Hiawatha National Forest.

(B) One member who shall be a resident of Munising, Michigan, who is not a Forest Service Employee.

(C) Two members who shall be recreational users of Grand Island who are not Forest Service employees.

(D) One member from nominations made by the Alger County Board of Commissioners who is a member of such board.

(E) One member from nominations made by the Alger County Economic Development Corporation who is a member of such corporation.

(F) One member from nominations made by the Grand Island Association who is a member of such association.

(G) One member from nominations made by the private landowners of Grand Island who is a private landowner on Grand Island.

(H) One member from nominations made by the Grand Island Township Board who is a member of such board.

(I) The Munising city manager, upon accepting the invitation of the Secretary.

(2) Any vacancy shall be filled in the same manner as the original appointment.

(c) QUORUM.—A quorum shall be six members. The operations of the Commission shall not be impaired by the fact that a member has not been appointed as long as a quorum has been attained.

(d) PROCEDURES.—The Commission shall elect a Chairman and establish such rules and procedures as it deems necessary or desirable.

(e) CONSULTATION.—The Secretary shall consult with the Commission on a periodic and regular basis with respect to the management plan.

(f) PAY.—(1) Members of the Commission who are not full-time officers or employees of the United States shall serve without pay.

(2) Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Commission.

(g) PROPOSALS FOR NON-FEDERAL DEVELOPMENT ON FEDERAL LAND.—The Commission shall recommend pro-

posals for non-Federal development on the 55 acres described in section 7(b)(2) of this Act. It shall submit any such proposals to the Secretary for approval, rejection, or revision. The Secretary shall include in the management plan a development proposal submitted by the Commission or arrived at by any other means available to the Secretary.

(h) TERMINATION.—The Commission shall cease to exist on the date upon which the management plan is adopted.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) ACQUISITION OF LANDS.—There are hereby authorized to be appropriated an amount not to exceed $5,000,000 for the acquisition of land, interests in land, or structures within the national recreation area and on the mainland as needed for access and administrative facilities.

(b) OTHER PURPOSES.—In addition to the amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated not more than $5,000,000 for development to carry out the other purposes of this Act.

Passed the House of Representatives July 31, 1989.

Attest: DONNALD K. ANDERSON,

Clerk.

By W. RAYMOND COLLEY,

Deputy Clerk.

STATEMENT OF HON. LLOYD BENTSEN, U.S. SENATOR FROM TEXAS

Senator BENTSEN. Thank you very much, Mr. Chairman.

With that crowded agenda that you have just enumerated, I am particularly pleased that you would make room for us to talk about the Big Thicket National Preserve. Congressman Wilson, who is the author of the identical provision in the House, will be testifying later, as will my good friend Maxine Johnston, who has been an absolutely tireless worker in support of the Big Thicket for many years.

The Big Thicket is located in East Texas. It is northwest of Beaumont and Port Arthur. It is an area so varied that it has swamps and sand hills at the same time; it has forests and it has savannahs. It has over 300 different kinds of birds, over 40 different kinds of wild orchids, eight different biological habitats.

This is the first piece of legislation that I introduced when I came to the United States Senate, to start the Big Thicket; and this is bringing it to its fruition, to its culmination.

This brings it up to 100,000 acres. It completes the string of pearls that we envisioned back in '71. We have had people spend time studying the Big Thicket and they have called it a biological crossroads of North America.

Mr. CHAIRMAN. I think here we make a major contribution in trying to help the environment and preserving this area from the inroads of commercialization.

I strongly recommend it to you. I urge the committee to approve the legislation.

Senator BUMPERS. Thank you very much, Senator Bentsen. Senator Bentsen, I do not have any questions on this and unquestionably will support your proposal, and if you would like to be excused please feel free to leave.

Senator BENTSEN. Thank you very much.

Senator BUMPERS. Senator Heinz.

STATEMENT OF HON. JOHN HEINZ, U.S. SENATOR FROM PENNSYLVANIA

Senator HEINZ. Mr. Chairman, I am pleased to be here with Senator Specter to testify in support of a bill that he, and for myself, introduced on September 12th, the purpose of which bill, S. 1594, is to revise the boundary of Gettysburg National Military Park.

As you may know, that site holds very special significance for our nation, not only for the outcome of the battle there, but for the events that have transpired in this country since.

Gettysburg, as most schoolchildren know, marked the high tide of the Confederacy. In the weeks preceding that battle, an energized Confederate army, confident in its leadership, had undertaken a bold campaign into the North, while an uncertain Union army, under new commanders, struggled to block that thrust. European governments were making plans to recognize the Confederate government in Richmond and to provide aid and assistance.

At the end of three sweltering, bloody, courageous, and decisive days of battle, a shattered Southern army retreated to Virginia. The Northern army gained new heart. Offers of diplomatic recogni-

tion and assistance to the Confederate states evaporated. The tide turned.

As we were reminded on the 125th anniversary last year, Gettysburg has come to mean more than just a place of battle. It is also a place of reconciliation. In November 1863, President Lincoln in his Gettysburg Address, speaking at the dedication of the new national cemetery for the fallen of both sides, eloquently characterized the spirit of this great nation, and of course Lincoln's Gettysburg Address is one of the most important speeches in our political heritage.

It is so because its author understood the terrible cost of battle and the hatred engendered by war, yet he attempted to lay the foundation of shared values upon which a reconciled nation could be built.

75 years later in 1938, veterans of both sides returned to Gettysburg and, in moving ceremonies, found the common ground where emnity is replaced by brotherhood.

Mr. Chairman, Senator Specter and I, indeed all Pennsylvanians, are honored to be the custodians of such a significant heritage. We are proud to welcome and host more than a million visitors to the battlefield every year. But our ability to preserve and enhance the experience of visiting this national park is threatened.

South-central Pennsylvania is a boom area, experiencing rapid economic growth. Once overwhelmingly rural, the area surrounding Gettysburg has become an attractive place to locate a business, to raise a family, to have a second home. The resulting pressure to develop has undermined valuable attributes of the parks.

We are hopeful that our legislation will lead to a fair balance of interests. Mr. Chairman, currently Gettysburg National Military Park has only a limited boundary. This bill will codify the National Park recommendation to Congress that an expanded legislative boundary for the park be created.

Our legislation gives the Secretary of the Interior the power to acquire lands which properly belong within the park, which are historically significant, and which deserve the protection of the National Park Service.

The new boundary will successfully balance, we believe, the long-term protection of the park, while taking into account the local concerns and the needs of the surrounding community. That boundary will add about 1900 acres to the park, increasing its size to 5700 acres. About only 250 of those new acres will be added to the park through outright purchase in fee.

Mr. Chairman, we believe that this legislation has the strong support of the local community, of historical preservation societies, and the National Park Service, and the urgency of the legislation is measured by the quickening pace of development in the area.

Senator Specter and I ask you and your colleagues most respectfully to act on this legislation as quickly as you possibly can.

Senator BUMPERS. Thank you very much, Senator Heinz. Senator Heinz, if you could just remain until Senator Specter testifies. Can you do that?

Senator HEINZ. I can.

Senator BUMPERS. I just have two or three questions.

Senator HEINZ. By all means.

Senator BUMPERS. Senator Specter.

STATEMENT OF HON. ARLEN SPECTER, U.S. SENATOR FROM PENNSYLVANIA

Senator SPECTER. Thank you, Mr. Chairman.

With some deference to the Chair, I shall not emphasize the military superiority of the North in the Battle of Gettysburg.

Senator BUMPERS. Please do not. This is painful enough already. I like to talk about Manassas, not Gettysburg. [Laughter.]

Senator SPECTER. Directing my attention then to Manassas, Mr. Chairman—back to the subject, this bill simply directs the boundary study on a matter pending before the Interior Department. It has the agreement of all the interested parties.

My distinguished colleague Senator Heinz has stated the case eloquently. I concur.

Senator BUMPERS. Senator Specter and Senator Heinz, either of you, I am looking at a map showing the proposed boundaries, and as I look at the map and I look at the southwestern part of the current battlefield park, I see that the boundary—it looks to me as though it cuts off probably several hundred acres of the existing park.

Is that your understanding?

Senator HEINZ. Mr. Chairman, I do not have a copy of the map you have, so I am unable to respond to your question.

Mr. Chairman, I do not know, either, and I believe that this bill is necessary to establish the boundary. We do not know precisely where it is and it has not been defined with the necessary precision, which is the reason for this piece of legislation.

Senator BUMPERS. Well, your bill conforms to what the Park Service apparently has long since recommended as the boundary line.

Senator Heinz?

Senator HEINZ. Mr. Chairman, in answer to your last question, I am advised that there are some 25 acres that are indeed being deleted from within the boundaries of the park, because they are not of sufficient historic significance. At the same time, as I know you are aware, some 1900 acres will be added within the boundaries as redrawn by the Park Service.

Senator BUMPERS. Senator Heinz, the map I am looking at shows the current park and I am assuming—I have not had a chance to review this, so I am sure it is all explained in this boundary study.

I guess this is a report, an environmental assessment. I see my friend Ed Bearss, the National Park Historian, the National Park Service Historian, and I am sure he can clarify this for me. But it looks to me as though the boundary does in fact—and I think it does exclude a lot of the current land there that is not of historical significance, and I certainly have no quarrel with eliminating anything, particularly if Ed Bearss tells me it does not have any historical significance.

But I was just curious about that because this is a time, as you know, one of the major bills we are considering this afternoon is an addition to Fredericksburg and Spotsylvania. Of course you remember the third battle of Manassas well. So we have been trying to

add to these areas to prevent development, and I was just curious about that.

But we will find out.

Senator SPECTER. Mr. Chairman, the proposed boundary study does add 1900 acres. As Senator Heinz stated, it excludes some 25 acres. The key factor which this legislation addresses is that the battlefield areas that are currently not a part of the park and monuments and important elements of the historical setting are not currently included, and that is why the need exists to establish this.

Senator BUMPERS. I think I have an explanation, if you want to put that map on easel.

Senator HEINZ. Mr. Chairman, let me quote from the boundary study that was submitted to the Congress: "There are eight small areas"—which as I understand total some 25 acres——

Senator BUMPERS. That is right.

Senator HEINZ [continuing]. "Within the current park boundary which have been identified for potential deletion because of either management considerations or decreased site integrity." My suspicion is several of them have just been encroached upon by development.

As to the management issues, I would have to yield to the National Park Service for their specific comments.

"Some of the deleted areas could be used in land exchanges in order to protect adjacent privately owned land within the proposed park boundary. This option is likely to be relevant for two of the areas listed below, namely Park College Boundary and Colt Park.

"New boundary legislation should specify that lands not exchanged be sold by the National Park Service, with proceeds credited to the appropriation bearing the cost of the Gettysburg land acquisition."

Senator BUMPERS. Senator Heinz, I have just been informed by staff that the area I was concerned about there, which is in the southwest quarter—you can see where the boundary goes and cuts off a lot of the grey area?

Senator HEINZ. Yes.

Senator BUMPERS. That is the Eisenhower National Historic Site, and so it would not be a part of the Gettysburg. I guess it would not be a part of the Gettysburg Park.

Thank you both very much for being with us this afternoon.

Senator HEINZ. Mr. Chairman, thank you. We both appreciate it.

Senator BUMPERS. We will move this bill to markup right away.

Senator HEINZ. Thank you very much, Mr. Chairman.

[The prepared statement of Senator Specter follows:]

Hearing Before the Committee on Energy and Natural Resources

Subcommittee on Public Lands, National Parks and Forests

S.1594

Testimony by Senator Arlen Specter

October 24, 1989

Mr. Chairman, I appreciate the opportunity to submit testimony in support of S.1594 during this hearing before the Senate Energy and Natural Resources Subcommittee on Public Lands, National Parks and Forests.

On September 12, 1989, I was joined by my colleague from Pennsylvania, Senator Heinz, in introducing a bill to authorize the implementation of the Gettysburg National Military Park Boundary Study which the Interior Department transmitted to Congress on August 21, 1989. Our colleagues in the House of Representatives, Congressmen Goodling and Kostmayer, also have introduced companion legislation in this matter.

Pursuant to Public Law 100-132, the National Park Service (NPS) submits recommendations in this study regarding the final development of the Gettysburg National Military Park. As part of a cooperative effort, the National Park Service worked with interested parties, including: federal and state representatives, the Adams County Commissioners, the Gettysburg Borough Manager, the Adams County-Gettysburg Chamber of Commerce, the Adams County Historical Society, the Civil War Institute, Civil War Roundtable Institute Associates, Gettysburg College, and the National Trust

for Historic Preservation. As a result, this document represents a near consensus on the part of local residents, park officials, and historians throughout the nation regarding the next phase of development of the Gettysburg National Military Park.

Mr. Chairman, according to the Park Service, the original 1895 legislation establishing the Gettysburg National Military Park contained language and broad references to a map drawn by Major General Daniel Sickles that have been the subject of uncertainty and various interpretations for many years. As a result, the Gettysburg National Military Park, although one of the most frequently visited military parks in the country, has no formally recognized boundaries.

The Boundary Study identifies the need for Congress to establish a permanent boundary through legislation and to support cooperative efforts for protection of the historic setting. The study identifies key battlefield areas that are currently not part of the park, monuments and important elements of the historic setting that require protection, and some areas that are no longer needed for park purposes.

Specifically, the National Park Service through the Boundary Study proposes to add approximately 1,900 acres that include key sites and features of the battle not now adequately protected or interpreted; transfer approximately 25 acres which are no longer

necessary to the Park Service's mission; and protect outlying monuments and markers primarily through cooperative agreements with landowners.

Widely recognized as a turning point in the Civil War, the Battle of Gettysburg is perhaps one of the most significant historical events in this nation's history. Much has been written about both military and personal dramas which were played out during the course of the three-day battle. As one of the few Civil War conflicts fought on Northern soil, Gettysburg offered a rare opportunity for the Confederacy and presented the Union with new and unanticipated challenges. After three days of fierce fighting, however, the Confederates were forced to retreat, and General Robert E. Lee's Army of Northern Virginia was never again strong enough to launch a major invasion into the North.

Gettysburg is significant also as the site at which President Abraham Lincoln delivered a short but eloquent address to dedicate a national cemetery in honor of Union dead. The brief remarks, which he ironically believed the world would "little note, nor long remember," later became known as the Gettysburg Address. President Lincoln foresaw that the actions of those who had died at that Battlefield could never be forgotten. The establishment of accurate boundaries for the Gettysburg National Military Park represents a continuing effort to ensure that the deeds of those

who fought at Gettysburg are carefully recorded and preserved for future generations.

Mr. Chairman, it is essential that resources necessary to maintain and interpret the significance of the Battle of Gettysburg be made available to the Park Service. Accordingly, I urge my colleagues to join Senator Heinz and me in supporting this legislation, and thank the Chairman and the Subcommittee for such prompt action on the bill.

Senator BUMPERS. Our next witness is Senator Warner.

Senator WARNER. I approach with fear and trepidation, Mr. Chairman.

Senator BUMPERS. I am glad to have another southerner with me.

Senator WARNER. How are you, Mr. Chairman. I am honored to be back before this committee again, where I had many wonderful years of service. I am joined today by my distinguished colleague, Congressman Slaughter, and I think as a matter of courtesy I would suggest to the Chair that Mr. Slaughter lead off, since this piece of legislation originated in the House under his auspices.

Senator BUMPERS. Please proceed, Congressman.

STATEMENT OF HON. D. FRENCH SLAUGHTER, JR., U.S. REPRESENTATIVE FROM VIRGINIA

Mr. SLAUGHTER. Thank you, sir. Mr. Chairman, I appreciate the opportunity to offer testimony before this Senate subcommittee today, and I would like to submit for the record an extension of my remarks in support of the legislation which will expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park and enhance the historic value of the battlefields comprising the park.

Specifically, S. 1559 and H.R. 875, legislation which I introduced earlier this year and which has recently passed the House of Representatives without opposition, would provide a more accurate interpretation and representation of the four battles that took place at the park: the Battles of Chancellorsville, Fredericksburg, Spotsylvania Court House, and the Wilderness.

Further, I am pleased to be a sponsor of this legislation for greater historic preservation at the park, located in the Seventh Congressional District of Virginia.

The legislation to protect the Civil War encampments, trenches and artifacts located in and around Fredericksburg, Virginia, has benefited greatly from the assistance and the expertise of the Park Superintendent. I commend to the attention of the esteemed members of this committee Sandy Rives, Superintendent for the Fredericksburg and Spotsylvania County Park, and an excellent advocate for the proper historical interpretation and protection of the battlefields.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Slaughter follows:]

STATEMENT OF THE HONORABLE D. FRENCH SLAUGHTER, JR. BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS REGARDING S. 1559, THE FREDERICKSBURG AND SPOTSYLVANIA COUNTY BATTLEFIELDS MEMORIAL NATIONAL MILITARY PARK EXPANSION ACT OF 1989
24 OCTOBER, 1989

Mr. Chairman, I appreciate the opportunity to offer testimony before this Senate Subcommittee today in support of legislation that will expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park and enhance the historic value of the battlefields comprising the Park.

Specifically, S. 1559 and H.R. 875--legislation which I introduced earlier this year and which recently passed the House of Representatives without opposition--would provide a more accurate interpretation and representation of the four Civil War battles that took place at the Park: the Battles of Chancellorsville, Fredericksburg, Spotsylvania Court House and the Wilderness. In the Land Protection Plan that provides the impetus behind the legislation, expansion of the current acreage of the Park would allow for proper recognition of the flank attack by General Stonewall Jackson at Chancellorsville; of the Fredericksburg Battlefield where Union troops raged on Marye's Heights; of the viewshed from Union headquarters at Ellwood at the Wilderness Battlefield and many other historically significant sites. I am pleased to be the House sponsor of this legislation for greater historic preservation at the Park, located in the Seventh Congressional District of Virginia, which I am proud to represent.

Further, for a more accurate and improved interpretation of the battles in and around Fredericksburg, both S. 1559 and H.R. 875 (identical bills) will add approximately 1860 acres to the already

existing 6,000 acres at the Fredericksburg and Spotsylvania County Battlefields where such momentous events as General Robert E. Lee's victory at the Battle of Fredericksburg and the death of General Stonewall Jackson occurred. In light of the location of Fredericksburg at the time of the Civil War--juxtaposed almost equidistant from Richmond, the capital of the Confederacy, and Washington, D.C., the capital of the nation--the battles that ensued in this area would eventually decide the fate of the United States of America.

I believe that both S. 1559 and H.R. 875 demonstrate carefully drafted responses to the needs of the Park, and these bills reflect the product of thorough review of all parties interested in preserving America's history. The Fredericksburg and Spotsylvania County Park has represented an important feature, from both an economic and historic standpoint, to the surrounding communities and to the Commonwealth of Virginia, in general, since its inception in 1927. With over 1.6 million visitors to the Park's Battlefields in 1988, the area has boomed with growth and has increased in recognition nationwide. The leadership of the local governing bodies and community leaders who stand behind this legislation recognize the importance for Congress to act quickly, before the encroachment of growth and development in this area eliminates forever the potential to preserve these memorial grounds.

Finally, the legislation to protect the Civil War encampments, trenches and artifacts located in and around Fredericksburg, Virginia has benefitted greatly from the assistance and the expertise of the Park Superintendent. I commend to the attention of the esteemed

Members of this Subcommittee, Sandy Rives, Superintendent for the Fredericksburg and Spotsylvania County Park, an excellent advocate for the proper historical interpretation and protection of the Battlefields.

Thank you, Mr. Chairman.

Senator BUMPERS. Thank you, Congressman.
Senator Warner.

STATEMENT OF HON. JOHN WARNER, U.S. SENATOR FROM VIRGINIA

Senator WARNER. Thank you, Mr. Chairman.

I know from personal experience the Chair's interest in these subjects and therefore I feel confident that a just and proper decision will be made.

Again, we are faced with the growth of an urban area, and fortunately the growth in this area has been of such a pace that the various communities and the leaders in the communities have joined together. And so far as I know, Congressman Slaughter, there has been no opposition that I know of——

Mr. SLAUGHTER. That is correct.

Senator WARNER [continuing]. To the proposal by yourself and the Senate bill.

But this will give adequate time now within which to preserve certain additional pieces of land, either through the taking of the fee or through easement, which will enhance these four historic sites. And further, we are going to try and integrate them into an administrative setup whereby all the parks are now going to be administered with the new land by the one entity.

I thank the Chair.

[The prepared statement of Senator Warner follows:]

JOHN WARNER
VIRGINIA

COMMITTEES
ARMED SERVICES
SELECT COMMITTEE ON INTELLIGENCE
ENVIRONMENT AND PUBLIC WORKS
SPECIAL COMMITTEE ON AGING

United States Senate

229 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-2023

CONSTITUENT SERVICE OFFICES

490 WORLD TRADE CENTER
NORFOLK, VA 23510
(804) 441-3079

PARCEL POST BUILDING
110 EAST MAIN STREET
RICHMOND, VA 23219
(804) 771-2579

235 FEDERAL BUILDING
180 WEST MAIN STREET
ABINGDON, VA 24210
(703) 628-0158

DOMINION BANK BUILDING
213 S. JEFFERSON ST. SUITE 1003
ROANOKE, VA 24011
(703) 982-4676

OCTOBER 24, 1989

TESTIMONY BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

CONCERNING S.1559

EXPANDING THE BOUNDARIES OF THE

FREDERICKSBURG-SPOTSYLVANIA

NATIONAL MILITARY PARK

Mr. Chairman, I would like to begin my testimony today by expressing my appreciation to you for joining with my colleague Senator Robb as an original co-sponsor of S. 1559, which I introduced in August of this year. As the members of this Subcommittee will hear from the witnesses today, this legislation is vitally important in the efforts to preserve an essential part of our Nation's heritage for future generations to enjoy.

I am proud to appear before your subcommittee in support of S. 1559, the "Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park Expansion Act of 1989." As you know Mr. Chairman, this bill would expand the boundaries of the existing Fredericksburg-Spotsylvania Park.

Mr. Chairman, the present Fredericksburg-Spotsylvania County Battlefields Memorial National Military Park was established in 1927, with the acquisition of the actual fighting lines and earthworks of the battles of Fredericksburg, Chancellorsville, Wilderness, and Spotsylvania Court House -- four key Civil War battles that occurred near Fredericksburg, Virginia between 1862 and 1864. Now, suburban growth threatens the integrity of not only the fighting lines and earthworks, but of the battlefields themselves which are not presently federal park land. The time has come to create a boundary to protect all four important battlefields and to make them part of a single military park.

As Congress has provided for other national parks, this bill would authorize additional land acquisition, land exchanges, acquisition of alternative rights of access and acceptance of donated conservation easements. Specifically, to assist in expanding existing boundaries, the bill requires the purchase by the National Park Service of 762 acres of private land and 593 acres in scenic easements.

The House of Representatives unanimously passed legislation identical to this bill on July 17, 1989. That bill was introduced by my colleague Congressman French Slaughter of the Seventh Congressional District of Virginia, which contains the existing and proposed park land.

As you well know from your study of the Civil War, Mr. Chairman, the Fredericksburg-Spotslvania area was militarily significant during the Civil War because of its proximity to Richmond, the capital and industrial center of the Confederacy.

The Confederate Army achieved major victories during both the battles of Fredericksburg, in December 1862, and Chancellorsville, in April 1863. Unfortunately, the Confederate victory at Chancellorsville was marred due to the loss of General Stonewall Jackson, who was mortally wounded by his own troops.

During the battles of Wilderness and Spotsylvania Court House, both in May 1864, General Grant succeeded in pushing Lee back closer to Richmond, despite signficant losses. Although these two battles are viewed by historians as Confederate victories, they mark the beginning of a long campaign in which the Union army under General Grant, ultimately gained its objectives.

Mr. Chairman, the Park Service needs the authority to go forward with the acquisition of the additional land called for in S. 1559. Only with this acquisition can we guard against development threatening the historical integrity of this hallowed ground, where over 100,000 men lost their lives.

I hope that this Subcommittee will act quickly and favorably on this legislation to prevent such a threat from becoming reality.

Thank you, Mr. Chairman.

Senator BUMPERS. Senator Warner, I just have two or three questions. Maybe, Congressman Slaughter, let me address the question to you. What is the total acquisition of this bill, how many acres?

Mr. SLAUGHTER. About 1,800 acres.

Senator BUMPERS. 1,800?

Mr. SLAUGHTER. 1,800, Senator.

Senator BUMPERS. What is the estimated cost of that 1,800 acres?

Senator WARNER. Mr. Chairman, if I could break that down, it will be 593 acres by acquisition of scenic easement, 762 acres of fee acquisition, and 611 acres already owned by the National Park Service which would be integrated into this one administrative unit.

Senator BUMPERS. Why is that 611 acres not integrated now, Senator Warner?

Senator WARNER. I am unable to answer that question, Mr. Chairman. I raised it myself with my staff just moments before this hearing and I do not have the answer.

Senator BUMPERS. Congressman Slaughter, do you know what the estimated cost of this acreage is, 1860 acres?

Mr. SLAUGHTER. Senator, I have heard several estimates on it and I do not like to guess at it, but I have heard estimates running from $6 to $10 million.

Senator BUMPERS. The Park Service says $10 million. Do you have any reason to argue with that either way?

Mr. SLAUGHTER. No, I expect they have a better idea than I have, because they have made a thorough investigation of the costs of this whole picture.

Senator BUMPERS. Do you know whether the Park Service has a position on this or not, this bill?

Mr. SLAUGHTER. No, sir. I do not know. I would rather Mr. Rives speak for them, but I think you would find that they endorse the proposal in this bill.

Senator BUMPERS. I think in the House hearing they testified in support of it, which always helps.

Senator WARNER. That has certainly been the impression that I have received, Mr. Chairman, from working with the appropriate members of the Interior Service and the Park Service.

Senator BUMPERS. The Park Service apparently testified over on the House side that the estimate was $7.7 million. They are going to testify today that it is $10 million.

Senator WARNER. Yes.

Senator BUMPERS. Now, my last question is, do you both feel comfortably sure that this is going to take care of most or all of the historically significant areas around these battlefields?

Senator WARNER. No, it will not take care of most or all, Mr. Chairman. It is just what we regard as the essential——

Senator BUMPERS. That is threatened right now?

Senator WARNER. The fiscal situation this country is in now, we have to strike a balance; and also the need to allow this community to continue an orderly growth pattern. It is as delicate a balance as we felt we could fashion.

Senator BUMPERS. Senator Warner, as you know, this is an authorizing committee.

Senator WARNER. Yes, of course.

Senator BUMPERS. Of course, I also sit on the Appropriations Subcommittee on the Interior, which deals with this. But the authorization levels—of course, we will hear from the Park Service later on, but it seems to me that when we authorize we ought to authorize long-term and then buy as we can.

Of course, that at least puts people on notice that certain areas are subject to being made a part of the park. I do not have to tell either of you my strong feelings about these things. I think our heritage is extremely important where the Civil War is concerned. I think it is easily the most important event in the history of this country.

So while I am not interested in buying everything between those battlefields, I do want to be sure that—I got upset about the Manassas thing because the area that was about to be developed I felt strongly should not be, because it had great—it did not have historical significance, it had great historical significance in that battle.

And while we cannot buy everything that every Civil War buff thinks has historical value, I wish we could authorize whatever we need to authorize and then come up with the money as we can, because I am going to do my best not only to get this bill passed, but in the appropriations process try to get the money to procure that land.

Senator WARNER. We very much appreciate those efforts.

Senator BUMPERS. And I hate for us to get nibbled to death by a duck. I hope we are not back here two or three years from now with another bill similar to this. I wish we could do it all at one time.

Senator WARNER. I took the time to do a personal survey. I am sure my distinguished colleague has done the same. At the present time I feel that these are the integral pieces of land remaining since the original formation in 1927 of these four battlefields.

If we are able to bring these pieces of land in, either through fee or easement, then we will have satisfied the requirements of future generations.

Mr. SLAUGHTER. Senator, I feel that the Park Service has selected what it considers the most important historically lands that are not presently owned by the park.

Senator BUMPERS. Is your bill based on the Park Service suggestions?

Mr. SLAUGHTER. Yes.

Senator BUMPERS. Were they brought into this?

Mr. SLAUGHTER. Yes, they have been working on this for several years, the Park Service, down at the level that we are talking about, the management of these parks. Also the people in the community, a number of them from the local government for example, have held several meetings and conversations with the Park Service people.

We have organized a group of people just for that express purpose, to give us a feel of what the communities affected by the parks, how they feel about these situations. And the support, as I have testified previously, has been excellent. I do not know of any opposition to the bill in the area affected.

Senator BUMPERS. Unlike Manassas?

Mr. SLAUGHTER. Yes, sir.

Senator BUMPERS. Well, that certainly will help, the fact that there is no opposition to it.

Mr. SLAUGHTER. One other thing, Senator. I think this area is developing fast and I think the Park Service has tried to pick out the projects that it thinks has a chance down the road of being financed in a couple of years or so. But the time for action is now, and I think they have been up to snuff.

Senator BUMPERS. Congressman Slaughter, I feel certain we will get this bill out right away.

Senator WARNER. Thank you, Senator.

Senator BUMPERS. I thank you both very much for being with us.

Senator HUMPHREY. Welcome, Senator Humphrey. Please proceed.

Charlie, it is terrible to be a Member of the lower House and have to wait for all these prima donnas to testify.

Senator HUMPHREY. I believe he is older than I am.

Mr. WILSON. I am used to these indignities, Senator.

STATEMENT OF HON. GORDON J. HUMPHREY, U.S. SENATOR FROM NEW HAMPSHIRE

Senator HUMPHREY. I am uncomfortable since he is so much older than I am, but I will accept the hospitality.

Mr. Chairman, thank you very much. I want to place in the record at the outset statements of support from Senator Rudman, who is detained elsewhere, and from our Congressman in the relevant district, Chuck Douglas, and a letter of support from the Governor of our State, Judd Gregg, if I may.[1]

Mr. Chairman, I will just ask that my entire statement be included, but I will spare you the superlatives.

Let me begin with some sincere flattery in thanking you, sir, for your support and the support of this committee, which last year reported out legislation ultimately designating the Wildcat River in our state as our first Wild and Scenic River. That effort has been hugely successful and we are truly grateful for your help. So that is why we are back.

Mr. Chairman, many communities in New Hampshire have looked at the Wildcat River experience as they developed strategies to protect rivers. So it was with nine towns along the Pemigewasset River when they approached the New Hampshire Congressional delegation seeking this legislation.

You may be curious about the meaning of the word "Pemigewasset," and I found out just this morning that means "place of pines and crooked hills," or something close to it.

Mr. Chairman, the National Park Service in its description notes that "This stretch of the Pemigewasset River"—actually it is two segments. This stretch, according to the Park Service, contains "some of the state's most spectacular landmarks and scenery."

Like so many other parts of our state and region, however, the valley, the Pemigewasset Valley, has been affected by burgeoning growth, which has begun to affect the river. The Pemigewasset River Council, a group of local leaders and citizens from nine towns

[1] Senator Rudman's and Congressman Douglas' statements appear at the beginning of this hearing; all other material appears in the Appendix.

along the river, was formed to respond to these concerns about growth.

The group has been working with local planning boards, with the State of New Hampshire Office of State Planning, and the National Park Service in order to develop a comprehensive river overlay play to limit the development along the river.

Mr. Chairman, I will conclude by noting again that the entire Congressional delegation, the governor, and conservation groups throughout our state support a study of both segments of the Pemigewasset River that are included in S. 1524.

I want to end by again expressing Senator Rudman's strong support for this bill and for the study which it would create. Thank you.

[The prepared statement of Senator Humphrey follows:]

TESTIMONY OF SENATOR GORDON J. HUMPHREY
ON S. 1524

OCTOBER 24, 1989

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES

MR. CHAIRMAN, WITH YOUR SUPPORT AND THAT OF THIS COMMITTEE, LEGISLATION WAS ENACTED LAST YEAR DESIGNATING THE WILDCAT RIVER AS NEW HAMPSHIRE'S FIRST WILD AND SCENIC RIVER. YOUR EFFORTS ON BEHALF OF RIVER PROTECTION ARE APPRECIATED THROUGHOUT MY STATE.

INDEED, MANY COMMUNITIES IN NEW HAMPSHIRE HAVE LOOKED TO THE WILDCAT EXPERIENCE AS THEY DEVELOP STRATEGIES TO PROTECT RIVERS. SO IT WAS WITH NINE TOWNS ALONG THE PEMIGEWASSET RIVER--KNOWN AS THE "PEMI"--WHEN THEY APPROACHED THE NEW HAMPSHIRE CONGRESSIONAL DELEGATION SEEKING THIS LEGISLATION.

ORIGINATING JUST NORTH OF PROFILE LAKE, THE NORTHERNMOST SEGMENT OF THE PEMI FLOWS THROUGH THE FRANCONIA NOTCH STATE PARK MOUNTAIN PASS. THE NATIONAL PARK SERVICE INCLUDED THIS RIVER SEGMENT ON ITS NATIONWIDE RIVERS INVENTORY LIST OF OUTSTANDING RIVERS PUBLISHED IN JANUARY, 1982. IN ITS DESCRIPTION, THE NATIONAL PARK SERVICE APTLY NOTES THAT THIS STRETCH CONTAINS "SOME OF THE STATE'S MOST SPECTACULAR LANDMARKS AND SCENERY" INCLUDING NEW HAMPSHIRE'S FAMED GRANITE OUTCROPPING, THE OLD MAN OF THE MOUNTAINS.

THE WATERS OF THE PEMIGEWASSET HAVE REFLECTED THE DYNAMIC HISTORY OF THE STATE OF NEW HAMPSHIRE. FORMED BY RECEDING GLACIERS, THE PEMI VALLEY BECAME A POPULAR TOURIST SPOT IN THE EARLY 19TH CENTURY AS TRAVELERS SOUGHT TO VIEW THE OLD MAN OF THE MOUNTAIN AND TO BREATHE THE FRESH WHITE MOUNTAIN AIR. FROM THE MID-1800S ON, THE FOREST PRODUCTS INDUSTRY GREW IN NORTHERN NEW HAMPSHIRE AND THE PEMI SUFFERED AS IT BECAME A RECEPTACLE FOR PAPER MILL EFFLUENT.

THE BEAUTY OF THE PEMI HAS LONG INSPIRED CITIZENS TO RALLY TO ITS PROTECTION. IN THE 1960'S, WHEN POLLUTION FROM INDUSTRIAL AND MUNICIPAL SOURCES MADE THE PEMIGEWASSET VIRTUALLY UNFIT FOR FISH AND WILDLIFE, AN INTENSIVE CLEAN UP EFFORT BY CITIZENS LED TO RESTORATION. THE PEMI'S FAST-FLOWING WATER AND FORESTED BANKS CAN NOW BE USED FOR A VARIETY OF RECREATIONAL ACTIVITIES. FURTHER, THE PEMIGEWASSET HAS BEEN IDENTIFIED AS AN IMPORTANT HABITAT FOR ATLANTIC SALMON, AND SINCE 1975, THE U.S. FISH AND WILDLIFE SYSTEM AND THE STATE OF NEW HAMPSHIRE HAVE BEEN ANNUALLY STOCKING THE RIVER WITH 200,000 ATLANTIC SALMON FRY.

MORE RECENTLY, GROWTH IN THE PEMI VALLEY HAS AFFECTED THE RIVER. THE PEMIGEWASSET RIVER COUNCIL, A GROUP OF LOCAL

LEADERS AND CITIZENS FROM NINE TOWNS ALONG THE RIVER, WAS FORMED TO RESPOND TO CONCERNS ABOUT GROWTH. THIS GROUP HAS BEEN WORKING WITH LOCAL PLANNING BOARDS, THE NEW HAMPSHIRE OFFICE OF STATE PLANNING, AND THE NATIONAL PARK SERVICE IN ORDER TO DEVELOP A COMPREHENSIVE RIVER OVERLAY PLAN TO LIMIT DEVELOPMENT ALONG THE RIVER.

SIX OF THE TOWNS HAVE ADOPTED RIGOROUS RIVER OVERLAY PLANS CREATING WATERFRONT LAND-USE STANDARDS TO REGULATE HOUSE AND SEPTIC SETBACKS, MINIMUM LOT SIZES, AND TO PROHIBIT ACTIVITIES WHICH WOULD AFFECT ADVERSELY THE RIVER. THE OTHER TOWNS ARE WORKING TO DEVELOP SIMILAR PLANS.

WHILE THE NEW HAMPSHIRE STATE LEGISLATURE RECENTLY ENACTED LEGISLATION TO INITIATE A RIVERS MANAGEMENT PROGRAM, FORMAL RECOMMENDATIONS FOR PROTECTIVE ACTIONS WILL NOT BE MADE UNTIL 1990. THE STUDY PROPOSED BY THIS LEGISLATION WILL COMPLEMENT THE STATE'S NASCENT RIVER PROGRAM.

ALTHOUGH THE NEW STATE LAW PROHIBITS PERMITTING OF ANY NEW HYDROELECTRIC FACILITIES ON THE PEMI, THIS LAW WILL NOT PREVENT THE FEDERAL ENEPGY REGULATORY COMMISSION (FERC) FROM PROCEEDING ON AN APPLICATION TO CONSTRUCT A NEW DAM ON THE PEMIGEWASSET IN THE TOWN OF CAMPTON. IN A DECEMBER 5, 1988 LETTER TO FERC, THE CAMPTON BOARD OF SELECTMEN STATED THAT THE STUDY "TO DESIGNATE THE PEMIGEWASSET RIVER AS A NATIONAL WILD AND SCENIC RIVER SHOULD NOT BE JEOPARDIZED BY THIS PROJECT."

IN FACT, FERC'S DECEMBER 28, 1988 "SCOPING DOCUMENT II FOR LIVERMORE FALLS HYDROELECTRIC PROJECT" NOTES THAT THE LIVERMORE FALLS AREA'S "COMBINATION OF GEOLOGIC FEATURES (TILTED, EXCAVATED, AND EXHUMED STRATA; DIKES AND OTHER TYPES OF INJECTIONS; AND POTHOLE FORMATIONS IN THE RIVER) IS NOT KNOWN TO EXIST ANYWHERE ELSE IN THE REGION" AND "COULD PROVIDE THE OUTSTANDING RESOURCE VALUE CATEGORY NECESSARY FOR FEDERAL WILD AND SCENIC DESIGNATION." FERC'S REPORT REMARKS THAT "MUCH OF THE LAND IN THE PEMIGEWASSET WATERSHED HAS A HIGH RECREATIONAL VALUE."

THE NEW HAMPSHIRE CONGRESSIONAL DELEGATION, THE GOVERNOR, AND CONSERVATION GROUPS THROUGOUT THE STATE SUPPORT A STUDY OF BOTH OF THE SEGMENTS OF THE PEMIGEWASSET THAT ARE INCLUDED IN S. 1524.

I ALSO WANT TO EXPRESS STRONG SUPPORT FOR LEGISLATION, INTRODUCED BY SENATOR RUDMAN, WHICH WOULD DESIGNATE SEGMENTS OF THE MERRIMACK RIVER FOR WILD AND SCENIC STUDY.

AGAIN, I THANK THE SUBCOMMITTEE AND I LOOK FORWARD TO WORKING WITH ALL MEMBERS TOWARD EXPEDITIOUS APPROVAL OF BOTH BILLS.

Senator BUMPERS. Thank you, Senator Humphrey. And of course it goes without saying that this is really—this bill does not incorporate these areas into Wild and Scenic Rivers. It provides for a study of them.

I assume that your commitment is on both, the Pemigewasset and the Merrimack both?

Senator HUMPHREY. That is correct, yes. I am supporting both bills, as we all are.

Senator BUMPERS. Okay. Thank you very much, Senator Humphrey, for being with us.

Senator HUMPHREY. Thank you, Senator Bumpers.

Senator BUMPERS. Congressman Wilson, I apologize for the delay in getting you on. As I say, we have to take care of all the prima donnas first.

STATEMENT OF HON. CHARLES WILSON, U.S. REPRESENTATIVE FROM TEXAS

Mr. WILSON. Mr. Chairman, I would like to begin by not mentioning any results of any football games that occurred.

Senator BUMPERS. I would rather you would not, either. I am telling you, why is everybody sticking it in me? First of all they want to talk about Gettysburg, and then next they want to talk about the Texas-Arkansas football game. That is not the way to get a bill through here.

Mr. WILSON. That is why I did not bring it up.

Mr. Chairman, judging from your questions of the previous witnesses, first of all I want to say that the Park Service is going to testify against this bill that Senator Bentsen and I have both introduced, that is totally within my district in East Texas.

The Park Service is going to have a very perfunctory opposition, I think, and if they become more vigorous in their opposition then I will be forced to contact the President, who introduced a bill for 150,000 acres for the Big Thicket when he was a member of Congress.

This bill will enlarge the Big Thicket to a total of 100,000 acres.

Senator BUMPERS. This adds 14,000 acres?

Mr. WILSON. 14,000

Senator BUMPERS. To the 86,000 that are there now?

Mr. WILSON. That is right, and it will make it a total of 100,000 acres, as Senator Bentsen said.

Now, the Park Service will say that this is not priority. But like much of Arkansas, East Texas is being clearcut at the present time. All of the major timber companies in East Texas have now been acquired and are national companies, such as Louisiana-Pacific and Champion and Temple Inland and the rest, and their policy is to clearcut everything.

As you know, the Forest Service itself, the United States Forest Service, now has a policy of clearcutting. And the reason this is a priority is because we want to maintain something in East Texas that has not been clearcut.

As we speak today, clearcutting is occurring on these 14,000 acres. Now, what it means is that if we do not pass this bill, that the Big Thicket—that these 14,000 acres will be stripped of all the

magnolia, redbud, dogwood, cypress, and all the old oak trees, and will be replaced with nothing but pine plantations.

I would also say that the Park Service is probably going to testify that this is going to cost them $20 million. But I would express to the Chairman that that cannot be, because, number one, we are not taking any of the home sites that exist in the proposed addition; and number two, we are providing for exchanges with the timber companies, who own 80 percent of the land.

So that means that the cost will be minimal and that 11,000 of the 14,000 acres will be exchanged for, as all of the timber companies have expressed their desire to do.

I would just further say to the Chairman, who being from Arkansas knows this kind of country as well as I do, that this is the most beautiful creek in Texas. It is an integral part of the Big Thicket.

It was left out of the Big Thicket. I authored the bill with Senator Bentsen that created the Big Thicket. It was left out at the time because we felt a need for a compromise, and it has bothered me ever since.

Also, it was left out before it became the policy of all of the timber companies in East Texas to clearcut, and that is the thing that makes it somewhat urgent.

I do not know of any conservation group in the United States that does not support this. We, not having the gentility of Pennsylvania and Virginia, we never have anything unanimous in East Texas. There is opposition.

But if there has ever been a bill where an effort has been made to placate the opposition, it is this one. We tried to placate the timber companies with an exchange of land, of other federal lands for their land, which has somewhat placated them.

With the homeowners, we went as far as we can go. We just simply are not taking any land on which permanent homes sit. I do not know anything you can do more than that. That means that heirs can inherit it, they can sell it; they can do whatever they want with it. It will not be taken if it is a permanent home.

Now, you will hear the only opposition basically is because of a paragraph that was added by the House Interior Committee, that says that if the land that is not taken, the permanent home land, if it is in the future used in a way that is culturally incompatible with the idea of the Big Thicket, then, at the discretion of the Secretary of the Interior, it could be taken.

I did not have that in my bill. I did not much like it because I knew it would complicate things. But on the other hand, when you stop to think about it, you do not want filling stations built there.

So I would ask this committee if it could think of anything that would somehow ease the anxiety there, it would be good. But I agree that the committee would probably not want to make it possible for that land to be clearcut or for filling stations or other undesirable institutions to be placed there.

[The prepared statement of Mr. Wilson follows:]

October 24, 1989

STATEMENT

By U.S. Representative Charles Wilson of Texas before the Senate Subcommittee on Public Lands, National Parks and Forests.

Thank you, Mr. Chairman, for the opportunity to testify regarding legislation to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor Unit, the Big Sandy Corridor Unit and the Canyonlands Unit.

As you know, Public Law 93-439 was enacted on October 11, 1974, authorizing the establishment of the Big Thicket National Preserve. As enacted, the Preserve consists of twelve units and totals approximately 86,000 acres.

The Village Creek and Big Sandy Creek areas were originally proposed by the Senate as part of the Preserve and if they had been included, would have resulted in about 100,000 acres for the Preserve. However, in order to obtain passage, a compromise was agreed upon between the House and Senate for approximately 84,550 acres.

I was a party to that compromise and my version of the original bill was enacted. However, over the years a convincing case has been made for adding the Village Creek and Big Sandy Creek corridors. The primary reason for establishing the Preserve was to protect this unique and endangered biosphere from being lost forever. It's importance received international recognition in 1981 through designation by UNESCO as a "Biosphere Reserve."

The proposed creek corridor additions are very important parts of the Big Thicket area and should be protected, not only because of their individual significance but because they bring together unconnected units above and below the additions that could otherwise suffer irreparable damage. In the case of Village Creek, it is one of the most beautiful creeks in East Texas.

The other section that we are proposing to add to the Preserve is the Canyonlands Unit. It is located on the West side of the Neches River and includes lower terraces with sloughs, mid terraces and the Neches River flood plain with steep slope forests dissected by ravines. The bluff is approximately one hundred and fifty feet above the river level. The inclusion of this unit has received less attention in the local area, but is also very important, and would help to complete the "Biological Crossroads" aspect which makes the Big Thicket unique.

In developing this legislation, we have attempted to minimize disruption to private landowners by avoiding developed areas. The legislation provides that privately owned lands used for non-commercial residential purposes may be acquired only with the owner's consent unless the Secretary of Interior determines that the property is being developed in a manner detrimental to the values for which the Preserve was established. With respect to the land owned by the timber companies, which is over 80% of the land proposed for addition to the Preserve, the bill provides for land exhange instead of purchase.

There is opposition to this bill, as there was when we got the original bill enacted in 1974, but I am convinced that the majority of our folks support the legislation. One of the things that we hear from those opposed to the legislation is that it will have a serious adverse impact on the economy of the area with that amount of acreage being taken out of production. These 14,000 acres make up only 0.12% of the commericial forest land of Texas.

Again, I thank you for the opportunity to testify in support of this legislation and ask for favorable consideration.

Senator BUMPERS. Charlie, you represent Beaumont?

Mr. WILSON. No. None of this is in Jefferson County. Congressman Brooks represents Beaumont.

Senator BUMPERS. Pardon?

Mr. WILSON. Congressman Brooks represents Beaumont, and he is in support of the bill.

Senator BUMPERS. I thought Jack had Beaumont.

I see here, for example, the John Kirby State Forest, and then there is a Roy Larson Sandy Land Sanctuary, which looks to me like a state sanctuary; is that correct?

Mr. WILSON. That is owned by the Nature Conservancy, Senator.

Senator BUMPERS. Is it.

There is a lot of national forest lands in here, is there not?

Mr. WILSON. No, there is none.

Senator BUMPERS. There is none?

Mr. WILSON. No, sir. But we propose to exchange national forest land for this.

Senator BUMPERS. What is the grounds of the opposition to this, Charlie?

Mr. WILSON. Well, they are going to testify. It is very difficult to understand. Basically, I believe the opposition is from homeowners who are going to say that their opposition is because of that clause that gives the Secretary of Interior the right to condemn it at some future date if it is not being used in what he considers to be a culturally compatible way.

But I might also say that they opposed it before that clause was put in it. So it is hard to understand their opposition.

Senator BUMPERS. What you are doing here really is you are really establishing essentially a corridor from the so-called Big Sandy Creek unit, down by the Turkey Creek unit and visitors center, on down to the Beaumont unit.

Mr. WILSON. Yes, sir.

Senator BUMPERS. It sort of ties all those together.

Mr. WILSON. Yes, sir.

Senator BUMPERS. Now, all that together is about 14,000 acres?

Mr. WILSON. Yes, sir, 80 percent of which is owned by maybe two timber companies.

Senator BUMPERS. Now, you have one other small area I did not see here. How do you pronounce that, Upper Neches?

Mr. WILSON. Upper "NAE'-chez," the Canyonlands unit. Senator Bumpers: How many acres are in that proposal?

Mr. WILSON. I do not know, about 2,000.

Senator BUMPERS. The staff says there are 2,000 acres in that unit.

Now, about how far on each side of the river does this proposal go? I am sure it varies.

Mr. WILSON. It varies. It is several hundred feet.

Senator BUMPERS. As a matter of fact, you do not call that a river, do you?

Mr. WILSON. No, sir, this is a creek.

Senator BUMPERS. Big Sandy Creek and Village Creek.

Mr. WILSON. Yes, sir. Village Creek particularly is a particularly beautiful area. I have never seen a creek as pretty.

But I would point out to the Senator that as we speak it is being clearcut right up to the creek bank.

Senator BUMPERS. We have some of that.

What is the Park Service opposition? Are they opposed to it? Are they opposed to the cost?

Mr. WILSON. They say it is a low priority. But I really think that their cost estimates fail to take into account the fact that the majority of the land is being exchanged and that we are not taking the homes.

But you will see that their opposition is extremely mild, and if it gets any more vigorous I will call their boss.

Senator BUMPERS. In a perfect world they would not be opposed?

Mr. WILSON. No.

George Bush introduced a bill that included every inch of this when he was in Congress.

Senator BUMPERS. Why do you not call old George and talk to him?

Mr. WILSON. Well, the Park Service is pretty tame in this.

Senator BUMPERS. Fine.

Charlie, thank you very much for being with us.

Mr. WILSON. Thank you, Senator.

Senator BUMPERS. Our next witness is Herbert Cables, Deputy Director of the National Park Service. Mr. Cables, I understand this is your first visit.

Mr. CABLES. Yes, it is, Mr. Chairman.

Senator BUMPERS. We are honored to have you.

Mr. CABLES. It is a pleasure to be here.

Senator BUMPERS. Now, conduct yourself well and we will invite you back some time.

STATEMENT OF HERBERT CABLES, JR., DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY ALEXANDER RIVES, ACTING SUPERINTENDENT, FREDERICKSBURG AND SPOTSYLVANIA NATIONAL MILITARY PARK; DANIEL R. KUEHN, SUPERINTENDENT, GETTYSBURG NATIONAL MILITARY PARK; AND EDWIN C. BEARSS, CHIEF HISTORIAN, NATIONAL PARK SERVICE

Mr. CABLES. Thank you very much.

Mr. Chairman, with your permission I will condense my remarks on the bills before you. I would at this time like to introduce the expert witnesses who have accompanied me here: Assistant Superintendent Sandy Rives from Fredericksburg; Superintendent Dan Kuehn from Gettysburg; and our good friend Ed Bearss, the Park Service Historian.

[The prepared statements of Mr. Cables follows:]

STATEMENT OF HERBERT CABLES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ON S. 1046, A BILL TO DESIGNATE A PORTION OF THE MERRIMACK RIVER IN NEW HAMPSHIRE TO BE STUDIED FOR INCLUSION IN THE NATIONAL WILD AND SCENIC RIVERS SYSTEM.

OCTOBER 24, 1989

Mr. Chairman, it is a pleasure to appear before this Committee today to testify in support of S. 1046, a bill which would add a portion of the Merrimack River in the State of New Hampshire to section 5(a) of the Wild and Scenic Rivers Act, thereby calling for its study for possible inclusion within the Wild and Scenic Rivers System.

In 1982 the National Park Service released a Nationwide Rivers Inventory, the result of a 6-year study to identify the Nation's remaining free-flowing streams which are in relatively natural and undeveloped condition and which possess scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values which make them potential candidates for conservation through local, State or Federal action. The study envisioned in S. 1046 covers approximately 35 miles of the Merrimack's main stem, of which roughly 28 miles in the 2 segments identified are listed in the nationwide inventory.

The Merrimack's significant river-related resources include a significant Atlantic salmon fishery under restoration, its unique proximity to regionally significant urban populations, its sparsely developed, free-flowing nature, its setting in a geologically diverse composite landscape, and its culturally significant waterpower uses of the past.

Mr. Chairman, there is considerable concern for the future of the Merrimack River and strong private, local and State support for this study. The governing bodies of each of the 5

communities bordering the proposed study area have passed resolutions of endorsement to document their support. In those resolutions, the towns also indicated their desire for river conservation planning and future protection to be based at the local level. In light of those desires and the pattern of existing landownership along the Merrimack, it appears that a study strategy emphasizing alternatives to Federal land acquisition and management not unlike that employed in the recent study of the Wildcat River, also in New Hampshire, would enjoy a high likelihood of success.

Mr. Chairman, S. 1046 contains no language authorizing the appropriation of funds for this study. We recommend an additional subsection be added at the end of the bill to authorize the appropriation of $250,000 to accomplish the purposes of S. 1046. Because the proposed study would involve the complicating factors of 5 communities, a predominance of private land, and local desires to maintain existing ownership and management patterns, higher than normal costs for studies of this nature can be expected.

Mr. Chairman, this concludes my remarks concerning S. 1046. I would be pleased to respond to questions at your pleasure.

STATEMENT OF HERBERT S. CABLES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S.1302, A BILL TO INCREASE THE SIZE OF THE BIG THICKET NATIONAL PRESERVE, TEXAS.

October 24, 1989

Mr. Chairman I appreciate the opportunity to provide your Subcommittee with the views of the Department of the Interior on S.1302. There is also pending before the Committee H.R. 919, an identical bill, which passed the House of Representatives on July 17, 1989.

While we have determined that certain lands may be suitable for addition to the Big Thicket National Preserve, we do not recommend that they be authorized for purchase at this time. Based on our prior experience in applying the Administration's land acquisition criteria, we do not believe this addition would rank high enough to merit funding in the foreseeable future.

S.1302 is identical in substance to legislation passed by the House of Representatives in 1988. It would add three units totalling about 14,000 acres to the Big Thicket National Preserve, which currently comprises 84,550 acres in twelve separate units in southeastern Texas.

Since passage of the House bill in the last Congress, our field staff have further evaluated the additions proposed in this legislation. As a result, we have determined that certain lands in the proposed Village Creek and Canyonlands units may be suitable for addition to the Preserve. These lands total 10,479 acres, and would cost approximately $21 million to acquire. However, these proposed additions to Big Thicket are not essential for protecting threatened resources or providing important and otherwise unavailable opportunities for outdoor recreation. They are not priority additions, consequently it would be unfair to present owners to suggest that Federal monies would be available to acquire these properties in the foreseeable future. Except for emergency situations, such as are present at East Everglades, and historic resources threatened with development, such as at Fredericksburg and Gettysburg, we believe the limited land acquisition funds in the President's budget should be directed at acquiring lands within existing park boundaries.

Mr. Chairman, S.1302 would also add a proposed 6,120 acre Big Sandy Corridor Unit to the Preserve. We do not believe this unit is appropriate for addition to the Preserve. It would be difficult to manage, would provide little in the way of public use opportunity, and many of the natural resources of this area are duplicated in other units of the Preserve. The corridor is extremely narrow, and the stream is too shallow for canoeing most of the time.

This concludes my prepared remarks, Mr. Chairman. I would be pleased to respond to any questions you may have.

STATEMENT OF HERBERT CABLES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ON S. 1524, A BILL TO DESIGNATE PORTIONS OF THE PEMIGEWASSET RIVER IN THE STATE OF NEW HAMPSHIRE TO BE STUDIED FOR INCLUSION IN THE NATIONAL WILD AND SCENIC RIVERS SYSTEM.

OCTOBER 24, 1989

Mr. Chairman, it is a pleasure to appear before this Committee today to testify in support of S. 1524, a bill which would amend the Wild and Scenic Rivers Act by designating portions of the Pemigewasset River in the State of New Hampshire for study as a potential component of the Wild and Scenic Rivers System.

In 1982 the National Park Service released a Nationwide Rivers Inventory, the result of a 6-year study to identify the Nation's remaining free-flowing streams which are in relatively natural and undeveloped condition and which possess scenic, recreation, geologic, fish and wildlife, historic, cultural, or other similar values which make them potential candidates for conservation through local, State or Federal action. The study envisioned in S. 1524 includes 2 segments of the Pemigewasset River in the State of New Hampshire covering approximately 36 river miles, one segment having been included in the nationwide inventory, the other not.

Both segments are noted for their scenic values, which are among the State's most spectacular, as well as being a critical part of the program to reintroduce Atlantic salmon to the Merrimack River Basin. The famed rock outcropping, "the Old Man of the Mountains" at Franconia Notch, is included within the proposed study area.

Mr. Chairman, there is considerable concern for the future of the Pemigewasset River and strong private, local and State support for this study. Both the governor and the Director of

Parks and Recreation for the State of New Hampshire have indicated their support for this effort. Furthermore, the governing bodies of each of the 8 communities bordering the proposed study area have passed resolutions of endorsement to document their support. In those resolutions the towns also indicated their desire for river conservation planning and future protection to be based at the local level. Six of these towns have already taken steps to protect the river by adopting a uniform overlay district that establishes strict waterfront land use standards.

We estimate that the study envisioned in S. 1524 would cost approximately $250,000 due to the complicating factors attendant to the involvement of 8 communities and 2 study segments as well as the predominance of private land and local desires to maintain existing ownership and management patterns.

Mr. Chairman, this concludes my prepared remarks concerning S. 1524. I would be pleased to respond to your questions at this time.

STATEMENT OF HERBET S. CABLES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 1559, A BILL TO EXPAND THE BOUNDARIES OF THE FREDERICKSBURG-SPOTSYLVANIA NATIONAL MILITARY PARK NEAR FREDERICKSBURG, VIRGINIA.

October 24, 1989

Mr. Chairman, I appreciate the opportunity to provide your Subcommittee with the views of the Department of the Interior on S. 1559. There is also pending before the Committee H.R. 875, an identical bill, which passed the House of Representatives on July 17.

We would support this legislation if amended as described below.

S. 1559 would provide that the Fredericksburg-Spotsylvania National Military Park in Virginia shall consist of the lands within the boundary depicted on seven maps on file with the National Park Service.

The boundary depicted on those maps would add to the existing administrative boundary 1,883.16 acres, of which 611.93 acres are already Federally owned, and it would exclude 107.17 acres of private land from the existing boundary.

The bill would authorize acquisition of the non-Federal lands added to the boundary and the sale or exchange of the Federal lands excluded from the boundary. It would also authorize the Secretary to acquire alternative access rights and exchange them for private rights of access that now exist across park lands. In addition, the bill would authorize the Secretary to accept conservation easements on adjacent lands.

The bill also contains provisions for retention of use and occupancy rights by owners of improved property which is acquired.

The countryside in and around Fredericksburg, Virginia, was the setting for four major battles of the Civil War in 1862, '63 and '64 resulting in more than 100,000 casualties. In 1924, the Congress created a commission to determine the feasibility of preserving the battlefields, and 3 years later Congress established the area described in the commission's report as a national military

park in the Act of February 14, 1927. The 1927 Act authorized the acquisition of the battlefields described by the commission, together with such other historical points and land as the Secretary of War deemed necessary for monuments and roads and to carry out the general purposes of the Act. There was no legislated boundary and no limit on the amount of land that could be acquired in the 1927 Act.

In 1974 an administrative boundary was adopted by the National Park Service and agreed to by former Senator Alan Bible, then Chairman of the legislative and appropriations subcommittees of the Senate having jurisdiction over park land acquisition. By adopting the administrative boundary, the Service undertook not to acquire any land outside that boundary without further authorizing legislation. S. 1559 constitutes such legislation.

S. 1559 would revise the administrative boundary in accordance with the recommendations of the general management plan for the park, which was completed in 1986. The bill would also make certain additions to the plan recommendations that we cannot support at this time. We would support legislation to enact the recommendations of the general management plan.

Boundary changes would be made under S. 1559 in each of the seven units of the park as follows:

Fredericksburg Battlefield. The bill would add 184.80 acres of Federal land and 59.71 acres of private land. The private land is needed to protect the historic scene from the tour road and provide safe access and parking for visitors at Chatham Manor, which was the Union headquarters during the battle. A total of 68.25 acres of private land will be deleted.

Sunken Road. The bill would add 2.85 acres of private land along Willis Street, where the heaviest fighting during the Battle of Fredericksburg occurred, and on Marye's Heights, in the heart of the Confederate defensive position.

Chancellorsville. In addition to 76.89 acres of Federal land, the bill would add 784.79 acres of private land and delete 38.00 acres of private land. This addition would include the areas where "Stonewall" Jackson began his assault

on the Union Army on May 2, 1863, and properties along Sickles Drive in the heart of the battlefield. About 417 acres will be acquired in fee and 367 acres will be acquired in easements.

Wilderness. The bill would add 475.21 acres of private land and more than 287 acres of Federal land. Deletions would be 0.92 acre of private land. The Battle of the Wilderness, fought on May 5 and 6, 1864, marked the first engagement between Robert E. Lee and Ulysses S. Grant. Additions here are proposed along two historic road corridors to preserve the battle terrain and the view from the park tour road. About half of the private land added will be acquired in fee and half in scenic easements.

Lake Wilderness. As part of our effort to protect the historic scene of the Battle of the Wilderness, 15.75 acres of private land would be added adjacent to the Lake Wilderness development.

Spotsylvania Court House Battlefield. In addition to 62.27 acres of Federal land, the proposal would add 15.64 acres of private land along the Federal lines known since May 12, 1864, as the "Bloody Angle." This tract is also in immediate proximity of Grant Drive, the park tour road. Protection of the historic scene is the objective of this addition.

Jackson Shrine. Here the bill would add 1.5 acres comprising two private undeveloped rights-of-way near the restored cottage where "Stonewall" Jackson died on May 10, 1863.

Mr. Chairman, there were estimated almost half a million recreation visits to this park in 1988. The surrounding area is rapidly being developed. Protection of the battlefields will not be feasible if developments are permitted to spread over historic ground and mar the historic scene from within the park. We intend to seek donations of easements on key tracts outside the boundary that must be kept undeveloped to protect the historic scene.

We estimate that the cost of purchasing the 762.21 acres of private land in fee and 593.24 acres in scenic easements will be approximately $10 million.

The major difference between the boundary recommended in the 1986 general management plan and that proposed in this legislation are: First, the 1986 plan proposed the disposal of 422 acres of Federally owned land, whereas this bill would keep all Federally owned land within the boundary; second, this bill would authorize acquisition of an additional 456.45 acres of private land, most of it at Chancellorsville. The effect of retaining the Federal lands is to make unnecessary the language in sections 2(b) and 3(b) that refers to Federal lands excluded from the park. The effect of the additional private land is to include additional resources and to add about $2 million to the original land cost estimate.

The park employs 40 permanent full time employees. We do not expect that this proposal will entail additional National Park Service personnel, and we will seek to develop a very thorough volunteer program to insure that costs are kept as low as possible if S. 1559 is amended and enacted as we suggest..

This concludes my prepared remarks, Mr. Chairman. I will be pleased to respond to any questions you may have.

STATEMENT OF HERBERT S. CABLES, DEPUTY DIRECTOR, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 1594, TO REVISE THE BOUNDARY OF GETTYSBURG NATIONAL MILITARY PARK, PENNSYLVANIA.

October 24, 1989

Mr. Chairman, I appreciate this opportunity to provide the views of the Department of the Interior on this legislation.

We recommend the enactment of S. 1594.

S. 1594 would revise the boundary of Gettysburg National Military park to add approximately 1,900 acres and exclude about 25 acres of Federal land from the existing park. The bill would authorize acquisition of the non-Federal lands by the usual means, including exchange. It also authorizes the Secretary to make funds available to property owners for the maintenance, protection, and interpretation of historic markers outside the new boundary, and to acquire the lands and access rights to such historic markers. Finally, S. 1594 specifically directs the Secretary, in administering existing grant and technical assistance programs, to give priority to activities that will assure conservation and maintenance of the historic character of the battlefield setting.

This last provision reflects a common understanding between numerous local groups and officials over the need to conserve the historical fabric of the battlefield area.

Public Law 100-132. approved October 16, 1987, directed the National park Service to conduct a boundary study of the park and submit it to Congress within one year. This study was submitted to Congress on August 16, 1989.

The study process involved input from Adams County officials, the Borough of Gettysburg, and several nearby townships, as well as numerous other groups and government agencies. S.1594 would, if enacted, authorize the Secretary to implement the key recommendations of the study.

The principal change recommended by the study that S. 1594 would implement, is the addition of 14 outstanding resource areas totalling about 1,900 acres, that contain key sites and features of the July 1-3, 1863, Civil War battle at Gettysburg. These areas are briefly described below:

1. Early's Line (65 acres) - two areas where Confederate General Early attacked the Union 11th Corps and 1st Corps on July 1, 1863.

2. 11th Corps Line (65 acres) - last position of the Union 11th Corps and 1st Corps prior to the retreat through town to Cemetery Hill.

3. Herr's Ridge (208 acres) - area of three major Confederate attacks on July 1.

4. First Shot and Marker (4 acres) - location of the first shot in the battle.

5. First Corps Line (17 acres) - last defensive position of much of the Union 1st Corps on July 1, before the retreat to Cemetery Hill.

6. Pitzar Farm (227 acres) - location of Confederate 3rd Corps supply and artillery park on July 2-4.

7. South Cavalry Field (210 acres) - where Union cavalry attacked the Confederate rear on July 3.

8. 20th Maine Monument (acreage within How and Wright Avenues) -the left of the Union line where the 20th Maine fired against the 15th Alabama.

9. Howe and Wright Avenues (210 acres) - extreme left flank of the Union line from evening of July 2 through July 4.

10. George Spangler Farm (85 acres) - Union hospital site, artillery park, and troop movement area.

11. Neill Avenue (121 acres) - location of Union right flank, where fighting occurred between Union 6th Corps and detached Confederate regiments on July 3.

12. Baltimore Pike Corridor (55 acres) - extensive Union activity July 2-4, including artillery covering Culp's Hill, General Meade's headquarters, and hospital sites.

13. Hospital Woods (11 acres) - site of Camp Letterman, the U.S. General Hospital for 5,000 Union and Confederate wounded in the battle.

14. East Cavalry Field (630 acres) - site of one of the largest mounted cavalry battles of the Civil War.

Mr. Chairman, of the foregoing lands to be included in the boundary we are proposing fee acquisition of 176.6 acres of private lands, including 17 improvements, and easement acquisition of 1,614.13 acres of private lands. We estimate the total land cost to be $9.4 million.

Although the bill would authorize the sale of about 25 acres of land excluded from the park--mostly old road segments and other unneeded parcels--and use of the proceeds for park land acquisition, we have made no estimate of the value of these lands.

The only other new authority in the bill, Mr. Chairman, is that which provides funds for landowners to maintain historic markers outside the new boundary and authorization to acquire these markers and access rights to them. There are 47 such monuments on non-Federal lands and the National Park Service currently maintains them directly as if they were part of the park. The annual cost is not significant, but with this legislation the markers would be excluded from the boundary. We believe the new authority is desirable to assure continued maintenance of and access to these monuments.

This concludes my prepared remarks, Mr. Chairman. I would be pleased to respond to any questions you may have.

Mr. CABLES. Which bill would you like to start with?

Senator BUMPERS. I do not have any preference. You just start.

Mr. CABLES. Okay.

Senator BUMPERS. Why do you not start with Big Thicket, since that is freshest on my mind.

Mr. CABLES. Okay. Mr. Chairman, S. 1302 is identical in substance to legislation passed by the House of Representatives in 1988. It would add three units totaling about 14,000 acres to the Big Thicket National Preserve, which currently comprises 84,550 acres in twelve separate units in southeastern Texas.

Since the passage of the House bill in the last Congress——

Senator BUMPERS. Excuse me, Mr. Cables.

I am going to ask, if you would, would you turn that map, just turn it around square so that the witnesses and I can both see it. A little bit more. That is fine.

Mr. CABLES. Since passage of the House bill in the last Congress, our field staff have further evaluated the additions proposed in the legislation, and as a result we have determined that certain land in the proposed Village Creek and Canyonland units may be suitable for addition to the preserve. These lands total some 10,479 acres and would cost approximately $21 million to acquire.

However, these proposed additions to Big Thicket are not essential for protecting threatened resources or providing important or otherwise unavailable opportunities for recreation.

Mr. Chairman, this bill would also add a proposed 6,120-acre Big Sandy Creek corridor unit to the preserve. We do not believe that this unit is appropriate for addition to the reserve. It would be difficult to manage, would provide little in the way of public use opportunity, and many of the natural resources of this area are duplicated in other units in the preserve.

This concludes my summation of the bill.

Senator BUMPERS. Well, is Congressman Wilson right? Is your opposition to this tepid? Is it a question of priorities?

Mr. CABLES. I think that is accurately stated. We do not feel that the resource at this point in time is being threatened and we are not in a position to endorse the amount of money that would be necessary for the inclusion of these units, some $21 million.

Senator BUMPERS. Mr. Cables, before we go into the other bills let me make an observation that I have noted for a very long time, and that is the Park Service, it seems to me—and I guess this is because of maybe the White House position on it or OMB's position on it.

But it occurs to me that everything that happens in this country to the National Park Service is initiated by members of Congress. From the day James Watt said that we do not want the government to own another acre of land in this country, we have had to fight and scrap and claw for the Land and Water Conservation Fund, for additions to the Park Service that were threatened that were genuine, that were real.

Yet, the Park Service always comes over to comment—and you are the new man on the block, so I am not chastising you about this. But I am just saying you ought to take this message back over there, and certainly I will deliver this to your boss at the earliest opportunity.

But we are the ones who have to figure out which battlefields are threatened. Some of us here, as you know, feel very strongly about those battlefields. We think it is an extremely precious part of our heritage.

People like Senator Bentsen and Congressman Wilson, who feel that, because this area is really genuinely threatened, they want that corridor along that creek there. And I can understand it is a low priority with you.

But that is not my real point. My point is that we are the ones who have to initiate the studies, we are the ones that have to call you over here to testify on bills that are introduced by members of Congress. But no initiatives, no initiatives are really ever taken by the Park Service.

It seems to me that you always get yourself in the position of having to react, when actually you ought to be the originator of these proposals. We defer to you often in what you think is priority and what is not. Obviously you do not think this Big Thicket is high priority. You think this Fredericksburg-Spotsylvania bill is a high priority. You signed off on that one.

But as Chairman of this subcommittee, I would be much more amenable to the Park Service position if you had sent us your positions on what we ought to do, what is high priority, what is middle priority. Then we will decide whether we can come up with the money or not, which we always have to do anyway.

This committee can authorize it. This is really only about 25 percent of the action. 75 percent is in getting the money once we authorize these things.

But as I say, I do not mean that as a lecture. I just mean that as a comment that I have noticed ever since I have been here. I know there is a grand plan over there someplace, but it is a sparse one. So for whatever that is worth.

Mr. CABLES. Well, I appreciate that. I believe that Director Ridenour is intending to come forward with proposals that will have been initiated and recommended by the Service, and I am sure that he would welcome an opportunity at your convenience to discuss that particular initiative.

Senator BUMPERS. I appreciate that.

Let us go to Gettysburg.

Mr. CABLES. We recommend the enactment of S. 1594, which would revise the boundaries of Gettysburg National Military Park to add approximately 1,900 acres and exclude about 25 acres of Federal land from the existing park.

Public Law 100-132, approved October 16th, 1987, directed the National Park Service to conduct a boundary study of the park and submit it to Congress within one year. This study was submitted to Congress on August 16th, 1989.

The study process involved input from Adams County officials, the Borough of Gettysburg, and several nearby townships, as well as numerous other groups and government agencies. S. 1594 would, if enacted, authorize the Secretary to implement the key recommendations of this study.

The principal change recommended by—this study that S. 1594 would implement is the addition of 14 outstanding resource areas

totaling about 1,900 acres that contain key sites and features of the July 1 through 3, 1863, Civil War battle at Gettysburg.

The Superintendent will just make reference to those particular areas. Dan?

Mr. KUEHN. Area number one, right up here, is Early's Line, 65 acres. These are two areas where Confederate General Early attacked the Union 11th Corps and First Corps on July 1st, 1863.

Number two, this area right in here, 65 acres, is the last position of the Union 11th Corps and 1st Corps prior to the retreat through the town to Cemetery Hill.

Number three, this area over here is Herr's Ridge, 208 acres. It is an area of three major Confederate attacks on July 1st.

Number four, this small area up here is four acres. It is the location of the first shot in the Battle of Gettysburg, July 1st, 1863.

Area number five, the First Corps Line, right in here, 17 acres, is the last defensive position of much of the Union First Corps on July 1st, before the retreat to Cemetery Hill.

The Pitzer Farm, 227 acres, is the location of the Confederate Third Corps supply and artillery park on July 2nd through 4th.

Number seven, this area down here, South Cavalry Field, 210 acres, is where the Union cavalry attacked the Confederate rear on July 3.

Number eight, the 20th Maine Monument, the left of the Union line is where the 20th Maine fired against the 15th Alabama.

Number nine, Howe and Wright Avenues, 210 acres, is the extreme left flank of the Union line from the evening of July 2 through July 4.

Number ten, the George Spangler Farm, 85 acres, it is a Union hospital site, artillery park, and troop movement area.

Number eleven, Neill Avenue, location of the Union right flank, is where fighting occurred between the Union 6th Corps and detached Confederate regiments on July 3.

Number twelve, this area right here, is the Baltimore Pike Corridor, 55 acres: extensive Union activity July 2nd to 4th, including artillery covering Culp's Hill, this area here, General Meade's headquarters, and hospital sites.

Number thirteen, the small area up here, called Hospital Woods, it is the site of Camp Letterman, the United States General Hospital for 5,000 Union and Confederate wounded as a result of the battle.

That is this area right here. I have got the wrong number.

Number 13 out here is East Cavalry Field, which is 630 acres, and is the site of one of the largest mounted cavalry battles of the Civil War, on the third day, July 3rd.

And then one other comment, this area over here that you questioned before is indeed the Eisenhower Farm. General Eisenhower bought his property adjacent to the battlefield. It does protect significant Civil War areas, as well as being a historic site in its own right.

Mr. CABLES. Mr. Chairman, of the foregoing lands to be included in the boundary, we are proposing fee acquisition of 176.6 acres of the private lands, including 17 improvements, and easement acquisitions of the 1.614 acres of private land. We estimate the total cost of those acquisitions to be $9.4 million.

Senator BUMPERS. Ed, I do not understand this area 13 out there.

Mr. BEARSS. Mr. Chairman, 13, on the 3rd day of July General Lee—Stuart, having returned from his wild goose chase on the afternoon of the 2nd, was sent out to move around the Union's right flank, possibly to strike the Union supply lines moving along the Hanover Pike, the Hanover Road that cut through the lower part of 13. Stuart moved over there.

Since the park was established, we have had a small area out there.

Senator BUMPERS. Yes, I see that.

Mr. BEARSS. And the roadway is all we have owned out in East Cavalry Field.

Stuart was intercepted out there by Union cavalry, MacIntosh and Custer. Custer had just become a brigadier general on the 29th of June, just four days before.

Senator BUMPERS. How old was he at the time?

Mr. BEARSS. Custer was 25 years old.

Senator BUMPERS. A general at 25.

Mr. BEARSS. Yes. And rather interestingly, there are three men that made brigadier general all at the same time. They jumped three young captains to brigadier general in one fell swoop, Custer being one of them.

Custer gets his first claim to fame as a leader here when he yells "Come on, you Wolverines" and checks the Confederate cavalry. Once again, heretofore the Confederate cavalry up to Brandy Station had always been superior to the Union cavalry, at least in the East.

And once again here, as at Brandy Station, the Union cavalry was able to carry the fight to the Confederates. So Custer gets his first exposure. Custer has 13 more years to live.

Down there in the area where we can see "7" down there, that gives us some additional land where another one of these young men who had just gone from captain to brigadier general, Elon Farnsworth, who only enjoys his brigadier generalship four days. He gets killed there.

The other young captain who gets that promotion is Wesley Merritt. Wesley Merritt will go on into our century and be present at Peking in China during the Boxer Rebellion. So that is one of these interesting things.

So East Cavalry Field is very significant in telling the story of the cavalry at Gettysburg, the rise of Custer, the rise of the Union cavalry to parity, and it will eventually be overwhelming strength.

Senator BUMPERS. Ed, where was Jeb Stuart killed?

Mr. BEARSS. Jeb Stuart was mortally wounded at Yellow Cavern May 11th, 1864, by Sergeant Huff, who was one of the Michigan cavalry at the Battle of Gettysburg. He will die the next day in Richmond, having been shot through the liver. And Sergeant Huff himself only has to survive until the 28th day of May at Hawe's Shop, when he gets killed.

Senator BUMPERS. That was from—Stuart was killed with a very long-range shot, was he not?

Mr. BEARSS. No, very close range.

Senator BUMPERS. Was it?

Mr. BEARSS. Close range. Stuart was mounted and Huff had lost his horse and he was coming back across the field, and he saw these officers. Well, a fairly good distance for a pistol shot, not a long distance for a carbine shot.

And he saw these officers and he took a shot, a flying shot, and he shot Stuart.

Senator BUMPERS. Well, I do not know where I am getting this. Stuart, you know, he wore that flamboyant garb all through the war. Did he not discard that at one time because he was——

Mr. BEARSS. Not knowingly he did not.

Senator BUMPERS. No?

Mr. BEARSS. That is part of his persona. And as I say, it is rather interesting; Custer has the same type of persona as Stuart does.

Mr. CABLES. You know, Mr. Chairman, as I sit here and as I listen and as I have been associated with Ed over the years, I just say that, you know, I probably would have passed Civil War history had I had someone as explicit and as knowledgeable as Ed to teach it to me.

Senator BUMPERS. Is there any opposition to this bill? Are we going to hear from any opposition today?

[No response.]

Senator BUMPERS. No.

Okay, then, Mr. Cables, let us go to the Spotsylvania-Fredericksburg National Military Park. I understand the Park Service favors that bill.

Mr. CABLES. Yes, we do. We would support this legislation if amended as described below.

S. 1559 would provide that the Fredericksburg-Spotsylvania National Military Park in Virginia shall consist of lands within the boundary depicted on seven maps on file with the National Park Service, and Assistant Superintendent Sandy Rives will explain those particular areas when I finish.

The boundary depicted on these maps would add to the existing administrative boundary 1,883.16 acres, of which 611.93 acres are already federally owned, and it would exclude 107.17 acres of private land from the existing boundary.

S. 1559 would revise the administrative boundary in accordance with the recommendation of the General Management Plan for the park which was completed in 1986. The bill would also make certain additions to the plan recommendations that we cannot support at this time. We would support legislation to enact the recommendation of the General Management Plan.

We estimate that the cost of purchasing the 762 acres of private land in fee and 593.24 acres in scenic easements would be somewhere in the vicinity of $10 million. The major difference between the boundary recommended in the 1986 general management plan and that proposed in this legislation is, first, the 1986 plan proposed the disposal of 422 acres of federally owned land, whereas this bill would keep all federally owned land within the boundary.

Second, this bill would authorize acquisition of an additional 456 acres of private land, most of it at Chancellorsville.

Any questions on this can be directed to Mr. Rives.

Senator BUMPERS. Yes. Where is this 422 acres in the general management plan that the Park Service was proposing to dispose of? Or did I misunderstand you, Mr. Cables?

Mr. RIVES. No, sir. The 400 acres to be disposed of as part of the General Management Plan was 84 acres on the Fredericksburg battlefield that were here [indicating], that are federally owned but outside the administrative boundary of the park.

Senator BUMPERS. Any historical significance to that area?

Mr. RIVES. There is some historical significance, and the major reason that it was changed in the House bill, sir, was that this road here, Mine Road in Spotsylvania County, has been a point of major development, and there was the assumption that once this land was sold back that it would end up with development and then would end up being a great encumbrance on the battlefield, that the houses would come right against the boundary.

The other land which was proposed to be disposed——

Senator BUMPERS. How many acres were in that one?

Mr. RIVES. 184, sir.

Senator BUMPERS. Okay, that was almost half of it, right, Fredericksburg?

Mr. RIVES. Yes, sir, and the other portions were on the Wilderness battlefield, which was land again that the Park Service owned but was outside the boundary of the park. And again, the feeling was that there was a road and development could very closely occur next to the boundary of the park and very near the historic resources.

The Federal troops did amass in this area before trying to take the two corners, which were the key points of the Wilderness battlefield.

Again, you asked earlier how the National Park Service ended up with land that was outside its boundary. That was the 1974 boundary as drawn by Senator Bible's agreement with the Senate.

We have had an administrative boundary in Fredericksburg since 1974, and some of these other parcels that we have—in fact, it is fairly significant—have been uneconomic remnants that we have purchased in order to purchase what we badly need along the Park Tour Road.

Senator BUMPERS. Well, I am going to have to think about that, because one of the most pressing things this committee is having to deal with these days is, like for example in Rocky Mountain National Park, everybody building right up to the boundary line.

You know, it just takes away a lot of the esthetic value of what you do have, and I am reluctant to part with some of that land, unless Ed says it has absolutely no value. I would be happy to keep it just as an easement to prohibit development right up against the park itself.

I do not know. Ed, that part on Fredericksburg, that 100 and some, 170 or 180 acres there in Fredericksburg, what if any historical significance does that land have? Yes, that tract right there.

Mr. BEARSS. That land during the battle would be in the immediate rear of where Jackson is holding the Confederate right, Jackson is holding in depth on the Confederate right. The line is quite extensive. On the right, the Confederate position is much weaker by terrain. As an old marine, you know that.

So they keep a defense in depth on the right, while on the Confederate left it is quite attenuated because their position is much stronger.

I would accept that that area is adjacent to the battlefield. Again, always the question is how much land do you need? It is not critical to interpreting the story, but it is important. It is part of the story of Fredericksburg, that being a professional view.

Senator BUMPERS. Well, Mr. Cables, I assume that the Park Service support of this bill would not be diminished if we did not incorporate your 1986 recommendation then, would it?

Mr. CABLES. That is a question that I cannot answer, Mr. Chairman, not having been a part of that discussion.

Senator BUMPERS. Well, you can carry the message back that as Chairman of this subcommittee I am not disposed to do that.

Mr. CABLES. I will do that.

Senator BUMPERS. Fine.

Let us take up the rivers now in New Hampshire.

Mr. CABLES. Mr. Chairman, I would like to address myself to S. 1524, a bill which would amend the Wild and Scenic Rivers Act by designating portions of the Pemigewasset River in the State of New Hampshire for study as a potential component of the Wild and Scenic Rivers System.

The study envisioned in this bill includes two segments of the river in the State of New Hampshire covering approximately 36 river miles, one segment having been included in the nationwide inventory, the other not.

Mr. Chairman, there is considerable concern for the future of the Pemigewasset River and strong private, local and State support for this study. Both the Governor and the Director of Parks and Recreation for the State of New Hampshire have indicated their support for this effort. Furthermore, the governing bodies of each of the eight communities bordering the proposed study area have passed resolutions of endorsement to document their support.

Six of these towns have already taken steps to protect the river by adopting a uniform overlay district that establishes strict waterfront land use standards.

We estimate that the study envisioned in this bill would cost approximately $250,000.

Senator BUMPERS. Mr. Cables, I believe that covers all the bills, does it not, that we have under consideration? Have I overlooked something?

Mr. CABLES. The Merrimack River.

Senator BUMPERS. Go ahead. The testimony is the same on it, is it not?

Mr. CABLES. That is correct.

Senator BUMPERS. Okay, fine. Well, gentlemen, I thank you all very much for coming in order to be with us. We appreciate your comments and we will probably be back in touch with you on a couple of things.

Mr. CABLES. Thank you very much, Mr. Chairman.

Senator BUMPERS. Our next witness is Larry Henson, Associate Deputy Chief of the Forest Service.

Welcome, Mr. Henson. We are pleased to have you and anxious to hear your testimony.

STATEMENT OF LARRY HENSON, ASSOCIATE DEPUTY CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. HENSON. I am pleased to be here, Senator Bumpers. I do have a detailed statement for the record which we have submitted and ask that it be included. I will just very simply summarize and say that the Department of Agriculture supports federal acquisition of Grand Island in order to ensure public access and use of the island now and in the future.

H.R. 1472 would establish a very unique and important national recreation area and provide a clear legal basis for the planning, management, and public use on Grand Island.

With that, I would be pleased to answer any questions you may have.

[The prepared statement of Mr. Henson follows:]

STATEMENT OF
LARRY HENSON, ASSOCIATE DEPUTY CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
United States Senate

Concerning H.R. 1472, Grand Island National Recreation Area, Michigan

October 24, 1989

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to offer the Department of Agriculture's views on H.R. 1472, an act "To establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes."

The Department of Agriculture supports the enactment of H.R. 1472.

Located approximately one-half mile offshore from Munising, in northern Michigan, the 13,000-acre island is the second largest in the U.S. portion of Lake Superior. Access during the summer is by boat or barge, and by snowmobile or crosscountry skiing during the winter when Lake Superior is frozen. A system of primitive roads provides access around the island.

The Trust for Public Land (TPL) owns about 99 percent of the island, however, there is a 44-acre subdivision of small individually owned lots and 72 acres of National Forest System lands. TPL recently purchased their ownership from Cleveland-Cliffs Iron Company, which had owned the property since the turn of the century. Grand Island has been used for recreational purposes for

decades. There are several summer cottages on the island--some on the TPL property and some on the individually owned lots.

While still tree covered, the TPL property has been heavily logged. The island has numerous ecologic, natural, historic, and pre-historic features. Examples include Echo Lake, two historic lighthouses, and a shoreline that includes white sand beaches and colorful sandstone cliffs that rise up to 200 feet above the water.

At the north end of the island, there is a 59-acre parcel of National Forest System land that is designated as a Research Natural Area. This area was established in 1977, and it is managed by the Hiawatha National Forest for potential ecological research because of its undisturbed plant communities, the abundance of beech at the northwestern extent of its range, and the Lake Superior dominated environment.

The Forest Service has authority under the Weeks Act to acquire land at Grand Island subject to funds being appropriated for that purpose. Designation of this island as a National Recreational Area, however, would require new legislation as well as acquisition of a major portion of the island. And as you know, Mr. Chairman, funds for the acquisition of Grand Island are in the fiscal 1990 Interior appropriations act.

Acquisition of Grand Island pursuant to H.R. 1472 would be preferable to acquiring the land under our generic authority, since H.R. 1472 would confer the NRA status and provide other authorities tailored to the unique resources and history of Grand Island.

Mr. Chairman, Grand Island has the qualities necessary to provide a broad range of recreational opportunities, from backcountry hiking to developed campgrounds and rustic retreat lodging. We are confident that these opportunities could be realized over time through a cooperative approach involving Forest Service management, volunteers, private-sector partnerships, and concessionaires.

In summary, we support Federal acquisition of Grand Island in order to ensure public access to and use of the island--now and in the future. H.R. 1472 would establish a very unique and important national recreation area and provide a clear legal basis for planning, management, and public use on Grand Island.

This concludes my testimony. I would be pleased to answer any questions you may have.

Senator BUMPERS. Well, I think really, Mr. Henson, we pretty much have a done deal here and there is not any point in prolonging the agony. We appreciate your support for this project, and I am told by staff that the Interior Appropriations Subcommittee has already appropriated the money for this.

Mr. HENSON. That is correct.

Senator BUMPERS. In their appropriations bill.

Incidentally, show me, where is that located precisely?

Mr. HENSON. This is on the north shore of the Upper Peninsula of Michigan. The little red area down there is the city of Munising, Michigan. The island is a half a mile offshore in Lake Superior. It is the second largest island in the United States-owned portion of Lake Superior.

Senator BUMPERS. It is the second largest island what?

Mr. HENSON. In the United States-owned portion of Lake Superior. Isle Royal would be the largest island.

Senator BUMPERS. Where is that?

Mr. HENSON. Isle Royal is up off the north shore of Lake Superior, south of the Arrowhead region of Minnesota.

Senator BUMPERS. Okay. Thank you very much, Mr. Henson, for coming over. We appreciate the Forest Service support for this.

Mr. HENSON. Thank you.

Senator BUMPERS. We now have a panel of witnesses: Dr. Gary Gallagher, President of the Association for the Preservation of Civil War Sites, University Park, Pennsylvania; and Charles G. McDaniel of Stafford, Virginia. Gentlemen.

I understand both of you will be testifying on Fredericksburg, is that correct?

Mr. MCDANIEL. Yes, sir.

Senator BUMPERS. Are you Dr. Gallagher?

Mr. MCDANIEL. No, McDaniel.

Senator BUMPERS. Is Dr. Gallagher not with us?

Mr. MCDANIEL. He was here earlier.

Senator BUMPERS. Well, he may have had to take care of one of those things.

Mr. MCDANIEL. I will be glad to testify for him. He is all in favor of everything.

Senator BUMPERS. Why do we not proceed with your testimony, Mr. McDaniel, and perhaps he will join us.

STATEMENT OF CHARLES G. McDANIEL, FREDERICKSBURG, VA

Mr. MCDANIEL. Mr. Chairman, thank you for the opportunity to testify. You have my detailed comments. I just want to highlight a couple of things about the Fredericksburg area.

I am a lifelong resident of Fredericksburg. My name is Charles G. McDaniel. I am in business in the Fredericksburg area. I am president of a trucking company. I am involved in industrial development in the area. In fact, I am building a warehouse now adjacent to Lee's Line at the Battle of Fredericksburg.

I am an avid Civil War collector, a past President of the Chamber of Commerce in the Fredericksburg area. I am a Vice President of the Historic Fredericksburg Foundation. I have been active in local politics.

I speak for none of these organizations I am talking about, but I am here to tell you that I think I know the feel of the community and all the different aspects of the community, and there is no opposition in the area to this bill to expand the Park Service boundaries.

The business community, the preservation community, the industrial development community, the political community, everybody supports this legislation for good and sound reasons. There is something in it for everybody.

Fredericksburg, as you know, is experiencing unparalleled growth. We have already seen some of the battlefield taken over by development. I have done it myself. I am building warehouses on land that the Park Service should have purchased years ago, and we need to see that situation stopped.

We think the Park Service has identified the most significant areas. They are reasonable. The development interests are behind it, and I think—in fact, I know—that Congressman Slaughter did a marvelous job of bringing together the political interests.

The governments of Fredericksburg and Spotsylvania and Orange have all passed resolutions supporting this legislation.

We ask for your support of this bill. We think it is something that, if we do not do it now, will cost many millions of dollars later on. We do not want a repeat of Manassas. The amount of money we spend now will be very modest compared to what it will cost us later on.

The areas identified are unquestionably of historic significance, and it is just the right bill at the right time, with tremendous support in the community and no opposition that I know of.

Thank you. I will be glad to answer any questions.

[The prepared statement of Mr. McDaniel follows:]

HILLDRUP
MOVING AND STORAGE
P.O. Box 1290
Stafford, Va. 22554
703-221-7155

October 24, 1989

Re: Support for S.1559

Dear Mr. Chairman:

My name is Charles G. McDaniel. I am a longtime resident of and businessman in Fredericksburg, Virginia. I am President of Hilldrup Moving and Storage in Fredericksburg. I have served as the president of our local Chamber of Commerce, and was a member of the City Council of Fredericksburg. I am currently active in community affairs, and own property adjacent to the Fredericksburg and Spotsylvania National Military Park. I am currently developing an industrial park adjacent to the boundary of the Fredericksburg Battlefield. From my perspective in the business community of Fredericksburg, the expansion of the battlefields operated by the National Park Service in our area makes good sense.

The Fredericksburg area is experiencing unprecedented growth. Fredericksburg, Stafford and Spotsylvania are one of the fastest growing areas in the State of Virginia and in the United States. The area has grown by 30% since the 1980 census, and this translates into 27,000 more people in the community, and this growth is accelerating. Now is the time to protect the most important portions of our threatened battlefields before the language of cooperation descends into the politics of confrontation, and it is then too late to protect these areas.

I am pleased to say that business interests and the National Park Service work in harmony in the Fredericksburg area. Cooperation, not confrontation, characterizes our relationship with the battlefields. Consequently, there is substantial and wide-spread support for this modest boundary expansion among the business leaders in my area. The City of Fredericksburg, Orange County and the County of Spotsylvania, have all formally supported this legislation. The citizen advisory group established to support this bill has received tremendous support and it represents all elements of the community, including historic, tourism, development and industrial. All aspects of the area are behind this bill. We perceive the proposal as a reasonable solution to the question of how an area encourages growth and economic prosperity while at the same time preserving its most important historical sites. The money spent now will be a drop in the bucket compared to what it will cost in the future.

I do not believe that it is possible or even desirable to set aside all the ground where Civil War activity occurred around Fredericksburg. I do believe, however, that to allow the woods and fields and hallowed ground over which "Stonewall" Jackson and his men made their famous flank attack at Chancellorsville to be transformed into housing developments or strip shopping centers is short-sighted, selfish, and ultimately bad business for our community and the nation as a whole. This legislation will go a long way toward the protection of the battlefield areas, and I am pleased to see you moving forward on the bill to protect these National treasures. Property must be preserved now or the cost to acquire it in the future will be staggering if it is even available.

Tourism is one of our biggest industries in the Fredericksburg area and the Civil War battlefields play a major role in attracting visitors to the city and surrounding counties. The quality of our product directly determines the health of our tourist economy. The rapid development of the Fredericksburg area poses a real threat to the integrity of our battlefields, and therefore to the well-being of our recreation-based businesses. People seeking an atmosphere where they can mentally recreate the environment where our nation's destiny was determined do not want to search for those places amidst a sea of traffic lights and commercial intrusions. The important parts of the battlefields simply must be protected if we are to maintain our stature as a tourism destination.

Of course, our local citizens view the National Military Park as an integral part of their community as well as a legacy for all Americans. The battlefield parks contribute to the quality of life for the people who have made their homes here. I suspect that the historical nature of our area is part of the reason that we are growing so rapidly. Our friends who develop real estate in the area certainly highlight the battlefields and their proximity to their subdivisions as amenities in their advertising campaigns. Fredericksburg is perceived as a good place to raise a family. Fredericksburg and the surrounding counties need a viable National Military Park as the centerpiece of our tourism economy and to retain the historical character that sets our community apart. I appreciate your support for this important legislation. Thank you.

Senator BUMPERS. Mr. McDaniel, let me say first of all that you really are a refreshing voice. We seldom get a man who has been prominent in his community, such as you have, with the Chamber and local organizations, and a developer also, a builder and so on, who comes in here and takes this kind of a view.

I want you to know that I respect you and admire you very much for your selfless position on this. We do not see it very often, but it is most refreshing and gratifying to see.

Dr. Gallagher.

STATEMENT OF DR. GARY W. GALLAGHER, PRESIDENT, ASSOCIATION FOR THE PRESERVATION OF CIVIL WAR SITES

Dr. GALLAGHER. Mr. Chairman, I apologize for coming in late, and I want to thank you for this opportunity to speak in support of S. 1559.

During the hearings that led to the establishment of the Fredericksburg-Spotsylvania Military Park in 1927, one member of the House of Representatives aptly characterized the area around Fredericksburg as "the cockpit of the Civil War." Indeed, it is the most fought-over ground in our history, where more than 100,000 Americans fell during four of the war's most important operations—the Fredericksburg campaign, the Chancellorsville campaign, the Wilderness campaign, and the campaign of Spotsylvania.

The first two of these were setbacks for the North that precipitated a crisis for the Lincoln Administration and tested the resolve of those who sought to restore the Union. The last two marked the first meetings between Ulysses S. Grant and Robert E. Lee, brought a new and hideous scale of fighting to an already horrific struggle, and had a profound impact on the civilian populations of each side.

Much of the historic ground in the region around Fredericksburg-Spotsylvania is in imminent danger of being converted into a suburb of Washington, D.C., as we have heard today.

The National Sector controls part of the Confederate line at Fredericksburg, but the gently sloping plain below Marye's Heights, over which thousands of determined federals charged on December 13, 1862, has disappeared under expanding urban growth.

It is vital that some land below Marye's Heights be added to the park in order to restore a sense of the historic scene at that crucial position.

Also in dire need of protection at Fredericksburg is the Gibbon breakthrough site on the Union left, which includes the last unimpeded vista from the northern position toward the Confederate lines.

I might add parenthetically here that I have heard that OMB has suggested deletion of several key pieces of ground that were added to the House legislation. One of those is the Gibbon breakthrough site. I would urge, Mr. Chairman, the committee to stick with the Senate version of this—or the House version of it, and not to delete those areas that OMB apparently wants to take out.

I do not have a map in front of me. It is on the Union line—which map have I got here? It is opposite Stonewall Jackson's line. Is that number——

Mr. RIVES. No number three.

Dr. GALLAGHER. There is no number here. This is the map that I have. If you can match up that map, it is the larger of the two yellow pieces marked on that map.

Do you have this one in front of you? It is the one to the right, the larger of the two yellow pieces.

Senator BUMPERS. I only have one yellow—oh, I am sorry, yes, okay.

Dr. GALLAGHER. There is a very small one to the left.

Senator BUMPERS. Okay.

Dr. GALLAGHER. This is the larger one to the right.

Senator BUMPERS. Wait just a minute. Let me get that oriented with my other map here.

Okay, go ahead, Dr. Gallagher.

Dr. GALLAGHER. The most glaring need at Chancellorsville concerns the area where Stonewall Jackson launched his famous and brilliant flanking attack on March the 2nd. The Park Service owns nothing there, which means that visitors to the park have no point from which they can view that climactic phase of the Battle of Chancellorsville, the most famous phase of the Battle of Chancellorsville.

At the Wilderness, there is an important piece of ground near Grant's headquarters north of the Orange Turnpike. It was there that Grant planned the Overland campaign, put into operation the first phase of it, which eventually led the armies to Richmond.

I believe it is imperative that we protect the integrity of these historic sites to the greatest possible degree. Every year I take groups of students and adults on tours of these and other battlefields and their reactions are often quite remarkable.

As we walk over the ground and discuss what happened, the people make a strong connection with the past. They sense the presence of the soldiers and think about the motivations and circumstances that sent men into the armies. Because the battlefields constitute a tangible link to one of the watersheds in our history, they are perfect places to explore the larger questions of the war: Did the founders envision a true nation or a group of semi-autonomous states? Why was emancipation added as a second great war aim for the northern forces, added to restoration of the Union? Were the soldiers in the respective armies really more alike or more different? What was the impact of the war on women and other civilians behind the lines, and what roles did those people play in the war?

It is a moving experience to stand where the men from North and South paid the ultimate price for their respective beliefs, to look over a landscape that evokes images of Americans trying to settle once and for all profound issues.

On one tour that I have led this year on a battlefield, a tour that included people from 19 states, one of the participants was a man in a wheelchair who steadfastly traversed some very difficult terrain with the rest of the group.

He has studied the Civil War for years and he has a remarkable grasp of many phases of the war, but this was the first time he had ever been on actual ground. He had always been afraid that he could not really get over the ground. He told me that, despite all of his careful reading and study, he had never experienced anything like this, that the entire fabric of the war in fact had suddenly become both more vivid and more meaningful to him.

Reactions such as this man's underscore the importance of saving as much of this critical ground as possible. The potential for understanding not only what happened on these battlefields, but also the potential for expanding inquiry from these specific sites to the larger questions of the war in the course of tours, diminishes with every modern intrusion on the historic landscape.

The next 5 years will decide the fate of much of our important unprotected Civil War ground. Urban pressure increases daily, not only at Fredericksburg and Spotsylvania, but also at other Park Service holdings. And beyond the established parks are places such as the Shenandoah Valley, where of course the Park Service does not own a single square foot of historic Civil War ground.

If these are sites are to escape an overwhelming invasion of modern growth, we must act quickly.

I have experienced great personal satisfaction in visiting, researching, and lecturing at these historic places. I have seen hundreds of students and other citizens gain a deep appreciation for their national heritage while walking the fields and woods of Civil War battlegrounds.

I sincerely hope that future generations of Americans will have this same opportunity, and I am pleased to support S. 1559 as an excellent step toward ensuring the preservation of important land at Fredericksburg and Spotsylvania.

Thank you.

[The prepared statement of Dr. Gallagher follows:]

Statement of Gary W. Gallagher
before the
Senate Subcommittee on Public Lands, National Parks and Forests
October 24, 1989

Mr Chairman, members of the Committee, I am Dr. Gary W. Gallagher, and I appreciate this opportunity to give testimony relating to S. 1559, a bill to expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park. I am a member of the Department of History at Pennsylvania State University, where I specialize in the era of the American Civil War. I have written or edited five books and more than three dozen articles, several of which touch on the four battles embraced in the Fredericksburg-Spotsylvania National Military Park. I am president of the Association for the Preservation of Civil War Sites, a nonprofit organization with members in all fifty states, and am also a member of the advisory board for the Conservation Fund's current Civil War Project, which seeks to identify and describe important Civil War sites across the nation.

During the hearings that led to establishment of the Fredericksburg-Spotsylvania Military Park in 1927, one member of the House of Representatives aptly characterized the area around Fredericksburg as "the cockpit of the Civil War." Indeed, it is the most fought-over ground in our history, where more than 100,000 Americans fell during four major operations--The Fredericksburg Campaign of November-December 1862; the Chancellorsville Campaign of April-May 1863; the Wilderness Campaign of May 1864; and the Spotsylvania Campaign of May 1864. The first two of these were setbacks for the North that precipitated a crisis for the Lincoln

Administration and tested the resolve of those who sought to restore the Union; the last two marked the first meeting of Ulysses S. Grant and Robert E. Lee and brought a new and hideous scale of fighting to an already horrific struggle.

The Battle of Fredericksburg saw Robert E. Lee turn back Ambrose E. Burnside and the Army of the Potomac in a one-sided engagement on December 13, 1862. The dominant image of Fredericksburg centers on courageous northern soldiers who spent the better part of a chill winterly day attempting to wrest Marye's Heights from its southern defenders. More than a dozen times Union regiments marched into withering musketry and cannon fire, only to be repulsed with stunning loss. As he watched this display of desperate valor, Lee commented: "It is well that war is so terrible--we should grow too fond of it." The battle ended active operations in Virginia for several months and helped trigger increased agitation in the North to negotiate an end to the war.

Campaigning resumed in Virginia in late April 1863 when Joseph Hooker led the Army of the Potomac against Lee's Army of Northern Virginia in the campaign of Chancellorsville. A sprawling, complicated operation carried out between April 28 and May 6, Chancellorsville marked the last time that Lee and Stonewall Jackson would fight together and resulted in another major Union defeat. Over the course of the battle, heavy fighting raged from Fredericksburg westward through Salem Church and on to Chancellorsville and beyond, highlighted by Jackson's brilliant flanking march of May 2 that set up one of the most spectacular attacks of the entire war (Jackson received a serious wound during this attack and was dead ten days later). Hooker's withdrawal across the Rappahannock River after the battle plunged the North into further gloom. Upon hearing of the Federal

withdrawal, an anguished Abraham Lincoln exclaimed, "My God! My God! What will the country say?" As after Fredericksburg, northern opponents of the war decried Chancellorsville and labeled the effort to compel the South to return to the Union a bloody failure. They also stepped up criticism of the entire Lincoln program, including emancipation, and won many converts to their cause. Bewteen them, Fredericksburg and Chancellorsville contributed significantly to a crisis of morale in the North that would end only with Union victories at Gettysburg and Vicksburg two months hence.

By the spring of 1864, the armies were ready to resume their deadly relationship along the Rappahannock-Rapidan River line. Grant was by now general-in-chief of the Union armies, and on May 5-6 he and Lee grappled for the first time in the battle of the Wilderness. Savage combat against a backdrop of burning woods resulted in a bloody stalemate, after which the armies raced southward toward an important crossroads at Spotsylvania Courthouse. Lee won the race by a matter of minutes, and for two weeks the armies faced each other near Spotsylvania. The fighting proved even more costly than that at the Wilderness, especially an unimaginable 20-hour struggle for a piece of earthworks that came to be called the "Bloody Angle." Toward the end of May, the armies staggered away from Spotsylvania toward a siege at Richmond and, eventually, a historic meeting at Appomattox. In less than three weeks the two sides had suffered nearly 60,000 casualties at the Wilderness and Spotsylvania, heralding the beginning of a new war of attrition that severely tested the mettle of the people of both North and South.

Much of the historic ground in the region around Fredericksburg-Spotsylvania National Military Park is in imminent danger of being converted into a suburb of Washington. Sadly, many important parts of

these battlefields already have been developed. The National Park Service controls part of the Confederate line at Fredericksburg, but the gently sloping plain below Marye's Heights, over which thousands of determined Federals charged on December 13, 1862, has disappeared under expanding urban growth. It is vital that some land below Marye's Heights be added to the Park in order to restore a sense of the historic scene at that crucial position. Also in dire need of protection at Fredericksburg is the Gibbon breakthrough site on the Union left, which includes the last unimpeded vista from the northern position toward the Confederate lines.

At Chancellorsville the situation is similar to that at Fredericksburg. The Park Service oversees a bit more than one thousand acres that include some crucial historic resources, most of which pertain to the fighting on May 3, 1863; however, many of the key parts of the battlefield either already have undergone recreational or residential development or enjoy no protection from future development. For example, almost all of the Salem Church battleground, where the final fighting of the campaign occurred on May 3-4, consists of strip shopping centers, filling stations, and other commercial structures. Marooned in the midst of this development is historic Salem Church itself, virtually inaccessible to interested visitors and subjected to constant traffic and noise. Nearly the entire area over which the first day's battle was waged on May 1 also lies outside the Park Service boundaries. The most glaring need at Chancellorsville relates to the area where Stonewall Jackson launched his famous flanking assault on the evening of May 2. The Park Service controls no land there, and thus patrons of the Park lack a place from which to view and interpret the climactic action of May 2. Protection of the site of the flanking attack, as well as the

ground associated with the fighting on May 1, would substantially enhance the Chancellorsville portion of the Park.

At the Wilderness, major developments have encroached on some of the most important segments of the battlefield. One area that can and should be protected lies near Grant's headquarters north of the Orange Turnpike. Here Grant directed the initial phase of the Overland Campaign that subsequently compelled Lee to take up a defensive position along the Richmond-Petersburg front. Protection of this land would constitute a major enhancement of the Fredericksburg-Spotsylvania National Military Park.

I believe it is imperative that we protect the integrity of these historic sites to the greatest possible degree. Every year I take groups of students and adults on tours of these and other battlefields, and their reactions often are quite remarkable. As we walk over the ground and discuss what happened, the people make a strong connection with the past. They sense the presence of the soldiers and think about the motivations and circumstances that sent men into the armies. Because the battlefields constitute a tangible link to one of the watersheds in our history, they are perfect places to explore larger questions of the war--Did the Founders envision a true nation or did they have in mind a collection of semi-autonomous states? Why was emancipation added to restoration of the Union as a second goal for northern armies? Were the soldiers in the respective armies more alike than they were different? What role did women and others behind the lines play in the conflict? It is a moving experience to stand where men from North and South paid the ultimate price for their differing beliefs--to look over a landscape that evokes images of Americans trying to settle profound questions once and for all. On a tour I

led on one of the battlefields this year, which included people from nineteen states, one of the participants was a man in a wheelchair who steadfastly traversed the sometimes difficult terrain with the rest of the group. He has studied the era of the Civil war for years and possesses an excellent grasp of the issues and events of the time, but this was his first venture onto the actual ground. He told me that despite his careful reading, he had never experienced anything like this. The entire fabric of the war, he said, had suddenly become both more vivid and more meaningful.

Reactions such as this man's underscore the importance of saving as much of the critical ground on these historic sites as possible. The potential for understanding what happened on these battlegrounds, as well as the potential for expanding inquiry from specific battles to larger issues of the war in the course of tours, diminishes with every modern intrusion on the historic landscape.

The next five years will decide the fate of much of our important unprotected Civil War ground. That is why the Association for the Preservation of Civil War Sites actively seeks to help preserve parts of our Civil War heritage, and that is why the Conservation Fund has undertaken its canvass of remaining Civil War sites. Urban pressures increase daily, not only at Fredericksburg and Spotsylvania, but also at places such as the Richmond National Battlefield (where the Park Serrvice holds just seven hundred acres in isolated units), the Petersburg National Battlefield, the Stone's River National Battlefield (where the Park Service owns fewer than four hundred acres), and at Antietam National Battlefield, which until recently seemed safely rural. And beyond the established parks are places such as the Shenandoah Valley, where the Park Service does not own a single

square foot of Historic Civil War ground despite the Valley's crucial role in the war.

If these sites are to escape an overwhelming invasion of modern growth, we must act quickly. I have experienced great personal satisfaction in visiting, researching, and lecturing at these historic places. I have seen hundreds of students and other citizens gain a deep appreciation for their national heritage while walking the fields and woods of Civil War battlegrounds. I sincerely hope that future generations of Americans will have this same opportunity. I am pleased to support S. 1559 as an excellent step toward ensuring the preservation of important historic land.

Senator BUMPERS. Thank you, Dr. Gallagher.

Why do they call that "the Wilderness"?

Dr. GALLAGHER. They call it "the Wilderness" because it is an area of approximately 70 square miles that had been cut over two, in some cases three, times to feed a number of local iron furnaces. And what you ended up with was a wasteland of sorts, no mature trees, just a thicket of saplings and undergrowth that made it very difficult to move through it, and it was not good for agriculture either.

So it acquired that nickname some time before the war.

Senator BUMPERS. Were there a lot of stumps there in the battlefield area, or do you know?

Dr. GALLAGHER. There were stumps, but it was more an area of very small trees, of second and third growth trees that did not and never would reach maturity. In fact, some accounts say that officers riding through it or mounted men riding through it would have their heads just above tree line in many places.

A lot of little creeks run through it, rivulets.

Senator BUMPERS. Is that the first time Lee and Grant faced each other, at Wilderness, at the Wilderness battle?

Dr. GALLAGHER. Yes, it is. The first week of May 1864 is the first.

Senator BUMPERS. Was that Grant's first battle? He came from the West.

Dr. GALLAGHER. It is Grant's first battle in the East, yes.

Senator BUMPERS. That is what I mean.

Dr. GALLAGHER. Part of his grand offensive, planned across the board in 1864, but his first meeting with Lee, his first battle in the East.

Senator BUMPERS. That is fine.

Dr. Gallagher, your testimony is very helpful to us and I thank you and Mr. McDaniel both for taking the time to come be with us this afternoon.

I feel sure that this bill will move very quickly through here.

Dr. GALLAGHER. Thank you.

Senator BUMPERS. Our next panel is Maxine Johnston, the Big Thicket Conservation Association, and Brenda Wright, President of Citizens to Save Village Creek, Beaumont, Texas. Ms. Wright and Ms. Johnston, we are very pleased to have both of you.

Ms. Johnston, your name is first, so we will let you lead off, as soon as you wet your whistle.

STATEMENT OF MAXINE JOHNSTON ON BEHALF OF THE BIG THICKET CONSERVATION ASSOCIATION, THE LONE STAR CHAPTER, SIERRA CLUB, AND THE TEXAS COMMITTEE ON NATURAL RESOURCES

Ms. JOHNSTON. While I am getting my notes together, I might ask you, Senator, if you know where Gilham, Arkansas, is?

Senator BUMPERS. Pardon?

Ms. JOHNSTON. Gilham, Arkansas.

Senator BUMPERS. I most certainly do.

Ms. JOHNSTON. I was born there.

Senator BUMPERS. Down in the southwestern part of the state on the Cosatot River.

Ms. JOHNSTON. Sevier County, Cosatot River, yes indeed.

Senator BUMPERS. Another great wild and scenic stream.

Were you a part of the move to save the Cosatot or did you come from Gilham?

Ms. JOHNSTON. That move was started after I left Arkansas, but it was one that I certainly approved of.

Senator BUMPERS. Go ahead.

Ms. JOHNSTON. I am Maxine Johnston, a 35-year resident of Batson, Hardin County, Texas. Today I represent the Big Thicket Conservation Association, the Lone Star Chapter of the Sierra Club, and the Texas Committee on Natural Resources, whose combined membership exceeds 18,000.

I am submitting a statement on behalf of the Sierra Club also for the record, and I would like to make a few further comments about it in a moment.

The areas proposed for inclusion in the Big Thicket National Preserve are critically important because they link some disjunct existing units biologically and geographically through corridors along one stream, which is Big Sandy and Village Creek—one stream, two names.

The importance of that linkage I find it incredible that the National Park Service has not endorsed, because the literature is replete with some documented research which shows the values of corridors for preserving wildlife and for preserving plant species.

I would like to cite two of these particularly. One is "Preserving communities in corridors," Harris and Gallagher, done by the Florida Agricultural Experiment Station. We have highlighted in this testimony, in this publication, many of the comments that direct specifically to the value of corridors and their impact on wildlife.

The second is a study of stream bottom hardwood communities and their impact. And the documentation on these includes a great many cited sources that would document the value of these areas.

The issues that have been raised by the opponents I will not go into very much because they have already been addressed by Congressman Wilson and Senator Bentsen. But suffice it to say homes are excluded and the land ownership is primarily that of corporate timber companies.

I would like to make a clarification under taxes on the second page of my testimony. In that paragraph I say that about $60,000 in taxes would be affected by this legislation for the 14,000 acres. The figure that I have given in the following statement applies to the original preserve. From the time that that preserve legislation passed up to the present, payments in lieu of taxes have come to the amount given there for Hardin County.

I recently heard the Superintendent of the Big Thicket National Preserve say that the Big Thicket National Preserve is the best kept secret in East Texas, and I think that is true. There have been delays in funding and delays in land acquisition which have kept the Park Service from developing and using that park as it might have been.

But the other delay has been delay in the local recognition of the value that this resource could bring to the economy, and the local chambers of commerce and tour agencies need to be marketing the area.

Under "timber production," I have noted in the first paragraph the decline in the population of bottomland hardwoods and the fact that they continue to decrease at an alarming rate.

I have looked briefly at the claim by the timber industry that there have been job losses and that this is related to Big Thicket. We contend that the job losses in the timber industry are far more related to mergers, mechanizations of timber harvest, and the depressions in other industries, rather than to the Big Thicket, which has very little impact on it.

In fact, there have been some recent studies in the Forest Service which indicate that the timberlands at present owned by the timber companies are not being used to their maximum advantage, and that is cited in the paragraph at the top of page 3.

One of the things that I find very incredible is the fact that the TFA, Texas Forestry Association, on the occasion of its 75th anniversary is bragging that they are exporting timber through Texas ports and that that export has increased 1,413 percent in the last decade.

The article that is attached to my testimony indicates that there are 24,000 tons of logs sitting on a Beaumont dock ready to go to Turkey. In my testimony I said I did not know whether or not hardwoods were involved. Later inquiries have revealed that all of the shipments virtually are hardwood, particularly oak and stream-bottom hardwoods that the Turks have asked for specifically and they are paying about triple the price that they go for in East Texas at this time, $160 per thousand board-feet.

Senator BUMPERS. What do the Turks use it for, do you know?

Ms. JOHNSTON. What are they using it for?

Senator BUMPERS. Yes, do you know what the Turks want with hardwoods?

Ms. JOHNSTON. Well, I asked the person that I was inquiring about this, why the Turks were asking for our hardwoods, did they not have any hardwoods of their own? And the answer was that the Turks are conserving theirs.

Senator BUMPERS. Well, I must say in all fairness, the Turks do not have very much.

Ms. JOHNSTON. No, I do not think they do, because a great deal of their land is not timber.

Congressman Wilson also addressed threats to the Big Thicket, which are cutting, clearcutting, and that is certainly a threat. I am not aware of extensive cutting going on as of this very moment. There may be such. But the timber companies that have promised us that they would observe a moratorium on cutting in this area cannot have a moratorium on it forever, and therefore it is in jeopardy from timber cutting.

Another thing that I think is in jeopardy is the fact that our county judge and the commissioners court have a resolution in your files which states that you should not take Village Creek because they need it for industrial growth and to attract industry.

I regard that as a threat to the resource. I do not want to see Village Creek's waters polluted with effluent or anything else that might come. It is one of the best, most beautiful recreational streams in the state.

Finally under threats, there is the matter of subdivisions. People like to live along streams. They are very delightful places to live and I think that as time goes on there will be more and more development of homes on these streams, and that there will be some of them inevitably built in flood plains, and we need these flood plains for linkages in the preserves.

Finally, in a statement then-Congressman George Bush made in 1970 at the hearings on Senate Bill 4—I have a copy of his statement attached to this statement, and I would like to point out particularly one paragraph in that statement, in which he says:

"Drainage is the key to the preservation of the area. Therefore, my bill would encompass the major pearls and would link them together via the connecting waterways, the Neches River and the Village and Big Sandy Creeks."

Now, these statements are significant, not only because the man who made them is now President of the United States, but they are also significant because they represent a very early recognition of the importance of streams in the preservation of the Big Thicket, and it also is very compelling evidence of the bipartisan nature of the effort to save the Big Thicket, which is now more than 50 years old.

I would be happy to respond to any questions. And I should have also said, stated at the outset how very grateful we are to Senator Bentsen for his introduction of this legislation.

He, ever since 1979, has been very supportive in trying to get appropriations for this area, and he held out for 100,000 acres in those early years.

[The prepared statement of Ms. Johnston follows:]

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
U.S. SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

HEARINGS ON S.1302, OCTOBER 24, 1989

TESTIMONY OF MAXINE JOHNSTON
FOR
BIG THICKET CONSERVATION ASSOCIATION
LONE STAR CHAPTER, SIERRA CLUB
TEXAS COMMITTEE ON NATURAL RESOURCES

I am Maxine Johnston, a 35-year resident of Batson, Hardin County, Texas. I represent the Big Thicket Conservation Association, the Lone Star Chapter of the Sierra Club, and the Texas Committee on Natural Resources, whose combined membership rolls exceed 18,000 persons.

This statement offers brief review and some additional data on 1) the areas proposed for addition to the Big Thicket National Preserve, 2) the issues raised by opponents of the legislation, and 3) a statement made by Congressman George Bush in 1970.

AREAS PROPOSED FOR ADDITION TO BIG THICKET NATIONAL PRESERVE

The addition of Big Sandy Creek Corridor Unit and Village Creek Corridor Unit connecting three existing units will unify the Preserve, linking them geographically and biologically. The linkage will make possible migration of plant and animal species and will increase populations of species assisting in their survival. Protection for the stream will preserve a unique stream ecosystem and will improve markedly representation for xerophytic plant associations. It will offer also outstanding recreational opportunities for canoeing, hiking, and environmental education.

Big Sandy and Village Creek Corridors were proposed for inclusion in the the original Preserve legislation but were omitted in an unfortunate political compromise. Although the name changes at the county line, Big Sandy/Village is one stream and must be preserved in tact to ensure that water flow is not altered by logging, damming, pollution or other adverse uses.

NPS testimony states that stream corridors are difficult to manage. Management concerns should be secondary to protecting values outlined above. Some protection for the resource is implicit in Preserve status and boundary signs which offer 1) limited protection from stream pollution, impoundment, and channelization; 2) protection from residential development in floodplains, and 3) protection from timber harvests.

The Canyonlands Unit offers scenic forested canyons, spring-fed creeks, and river terraces with acid swamps. The unit has significant scientific interest for an exposure of the Fleming Geological Formation where plants not found elsewhere in the Preserve have been located.

ISSUES RAISED BY OPPONENTS

Statements quoted in local newspapers by opponents of this legislation have often reflected bitter distrust of the Congress, outrageous discourtesy to Congressman Wilson, and inflammatory remarks about conservationists. I have heard about, but have not seen, a "smear sheet" being circulated in Hardin County replete with misinformation and innuendo. This is most regrettable, but fortunately most of our citizens will pitch it in the trash where it belongs.

1) HOMES AND DEVELOPMENTS: Texas conservationists are pleased that year-round inhabited homes have been excluded from the proposed expansion of the Preserve. Homeowners can continue to enjoy scenic surroundings with the assurance that no one will clearcut the forest around them.

2) LAND OWNERSHIP: Three timber companies own 77 percent of the proposed areas: Temple-Inland, Kirby (Louisiana-Pacific), and Champion. Individual ownerships account for 23 percent, of which two percent are associated with year-round inhabited dwellings, which have been excluded.

3) TAXES: Of proposed Hardin County acreage, 97 percent is taxed for agricultural productivity averaging $224/acre. The "tax loss," projected for all three counties at prevailing tax rates, amounts to about $60,000. Payments in lieu of taxes from 1977 through September 1988 amount to $1,646,388 of which $818,443 has gone to Hardin County and six schools in the County.

4) TOURISM: I recently heard the Superintendent of the Big Thicket National Preserve refer to this NPS unit as "the best kept secret in East Texas." He's right. Tourism has lagged because of delays in funding for land acquisition and development, but local planning has lagged, too. Chambers of commerce and tour agencies need to market the area, and local business needs to develop more tourist amenities.

5) TIMBER PRODUCTION: A high percentage of the areas included in S.1302 are floodplains with bottomland hardwoods, unsuitable for production of pine sawtimber. In 1980 Texas Parks and Wildlife did an inventory of forest floodplain vegetation, which indicated that only 5.9 million acres remained of 16 million pre-settlement acres. Reduction of bottomland hardwoods continues at an alarming rate according to recent studies.

Claims of job losses in the timber industry are absurd. Similar claims were made when Preserve legislation was pending in the 1960s-1970s. In reality, timber companies took their Big Thicket money and invested in more land, probably adding more land than they lost. The industry--nationally and locally--has been impacted more by mergers, mechanization, and depressions in other industries (construction, petrochemical, etc.) than by Big Thicket.

A recent Forest Service survey indicates that 2,600,000 acres of private timberland in East Texas is understocked by more than 40 percent and that there are nearly 1,000,000 acres of marginal crop and pasture land which could be utilized.

Where is the timber going? Some of it is going abroad. Appended to this statement is a news story on Texas exports of wood products, which increased from $33.3 million in 1978 to $147.3 million in 1988, a 1,413 percent increase. Beaumont/Port Arthur ports handled 162,258 tons of wood products from East Texas forests in FY 1988-89. The story does not indicate how much of this was hardwood.

6) THREATS: Because Big Sandy/Village Creek was excluded in the 1974 legislation, the resource has sustained extensive damages from timber harvests, including clearcuts, but Big Thicket forests, thankfully, have rapid regenerative potential.

Louisiana-Pacific was cutting along Village Creek during House hearings in July, 1988, and the cutting continued until October. During this time conservationists requested a moratorium on cutting in areas included in H.R.919. While no cutting has been observed recently, a moratorium, if it exists, cannot last forever, and the proposed area's future is in jeopardy.

1970 STATEMENT BY TEXAS CONGRESSMAN BUSH

The second hearing on S.4, 91st Congress, Second Session, was held November 24, 1970, and Congressman George Bush submitted a statement which is printed on pages 11-12 (copy appended).

Of particular interest is the fact that the 150,000 acres proposed includes the areas identified in S.1302 and H.R. 919. Selected passages follow:

> Drainage is the key to the preservation of the area. Therefore, my bill would encompass the major "pearls" and would link them together via the connecting waterways, the Neches River, and the Village and Big Sandy Creeks...
>
> In my view, this region can be conserved only through needed supervision and administration and the Secretary of the Interior should proceed with this in mind...
>
> I have proposed a Big Thicket National Park of 150,000 acres because I believe it will serve as a living laboratory for botanists, ornithologists, zoologists, and other scientists. Its value would be incalculable...

These statements are significant--not just because the man quoted is now President of the United States. The statement is also important because of its early recognition of the critical role of streams in the preservation of the Big Thicket and because it gives compelling evidence of the bipartisan nature of Big Thicket advocates.

ont Enterprise
unday, October 1, 1989

Timber exports rise as TFA celebrates anniversary

By John Gerdel Jr.
Business writer

LUFKIN As the Texas Forestry Association prepares to celebrate its 75th anniversary Oct. 19-20, some of the results of that group's efforts are sitting on the dock in Beaumont.

Currently, 24,000 tons of logs are sitting at the Port of Beaumont awaiting a ship for Turkey, Mark McAndrews, a port marketing representative said. In the fiscal year ending Aug. 31, the port handled 162,258 tons of wood products.

The value of timber exports moving through Texas ports has increased 342 percent in the past decade, Michael Holloway, a spokesman for the Texas Forestry Association, said.

Texas ports handled $33.3 million worth of wood products in 1978, Holloway said. In 1988, that figure jumped to $147.3 million, with 36 percent, the largest portion, going through the Port Arthur-Beaumont customs region.

That is a 1,413 percent increase in the past decade for the local ports, Holloway said. By comparison, Houston handles 28 percent of the wood products exported from the region.

"Forests are a major economic factor in East Texas," said Glenn Chancellor, past president of TFA and chairman of the diamond jubilee celebration. "Forest products-manufacturing is the biggest or next biggest employer" in half the East Texas counties.

But those wood exports wouldn't be there without efforts of the association, dating back to 1914, when it was formed. "Forged from a blend of conservation, reforestation and forest stewardship objectives, the association's record of accomplishments is impressive," Holloway said.

"As rich as Texas is in tradition, the state literally rewrote the history of its forests, replanting millions of acres of cut-over land between 1930 and 1960," Bob Currie, TFA president, said.

The legacy of that effort is a 12 million-acre commercial forest that stretches from Beaumont to Texarkana, Currie said.

At the top, historians put the reforestation of Texas as the TFA's crowning achievement. "In 1930, there wasn't much forest left in Texas," said Bob Maxwell, a former professor of history at Stephen F. Austin University.

"Most of the the forests you see along East Texas highways today are the result of conservation programs such as the Land Bank and Conservation Reserve, or reforestation efforts like the Texas Reforestation Foundation."

The foundation was set up by TFA members to help private, non-industrial forest landowners plant trees on their land. The foundation pays as much as half the cost of planting these trees, with voluntary donations from major Texas forest products companies, Holloway said.

Ron Hufford, TFA executive vice president, said the theme of the two-day celebration would be "75 Years of Progress/The

See *TIMBER, next page

*Timber exports increase as TFA has anniversary

Continued from page 1F

Future is Ours?"

"It's hard to look back and, at the same time, not think just as strongly about the future," he said.

"The growth of Texas forests and the state's forest-products industry is nothing less than phenomenal," Hufford said. "But we are profoundly concerned about the future of those forests and the prospects for the industry."

Anniversary activities include a dinner, seminars on timber harvesting, communications and presentations by Bruce Miles, Texas Forest Service director; Dale Robertson, USDA-Forest Service chief; and Diboll businessman Arthur Temple.

Senator BIBLE. There will be incorporated in full in the record at this point a statement from George Bush, the Congressman from the Seventh District of Texas indicating his full support of the proposal for 150,000 acres.

(The statement referred to follows:)

STATEMENT OF HON. GEORGE BUSH, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman, the Big Thicket area in east Texas is one of the rare sites left in America remaining essentially as it was hundreds of years ago. It is a vanishing wilderness area which we must move to protect now. Once covering three and a half million acres in eastern Texas, today only about 10 percent of those acres in the Big Thicket remain untouched. Each week this acreage diminishes.

I visited the Big Thicket in May and, since then, I have met with representatives of the many organizations which have expressed a deep interest in conserving the Big Thicket, with area residents, and with officials of the Department of Interior. On July 16 I introduced a bill which proposes the establishment of a Big Thicket National Park of not more than 150,000 acres. I think my bill is sound and will conserve these unique wilderness areas.

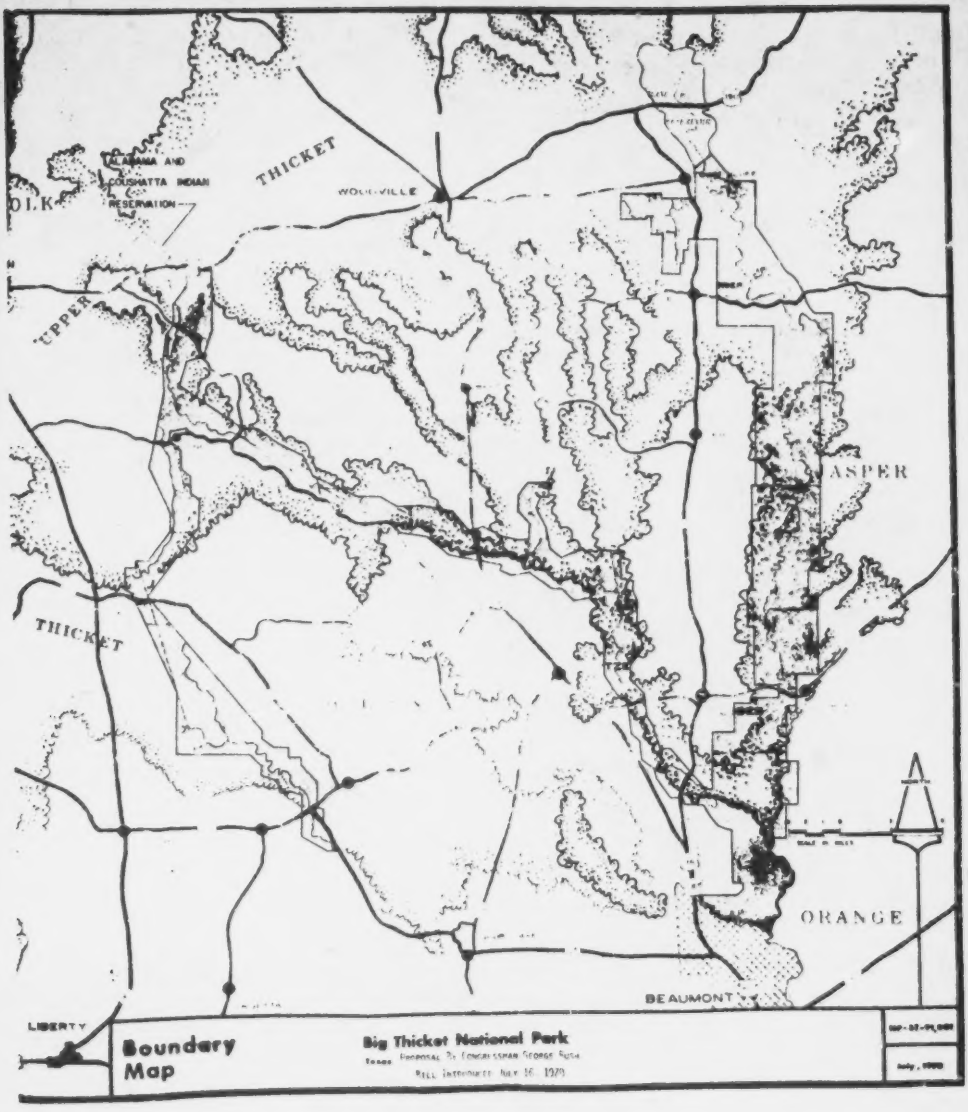
Drainage is the key to the preservation of the area. Therefore, my bill would encompass the major "pearls" and would link them together via the connecting waterways, the Neches River, and the Village and Big Sandy Creeks. In addition, I have proposed that a low-speed scenic roadway be developed which would permit more people to enjoy the beauty of the Big Thicket. This roadway would be constructed so that it would in no way impair the natural beauty of the area or disturb the ecological balance.

In my view, this region can be conserved only through needed supervision and administration and the Secretary of Interior should proceed with this in mind.

It is fortunate that the importance of conserving our natural resources and natural environment has become an important challenge. No one I have spoken with disputes the fact that Big Thicket has a unique quality that must be preserved. But, there has not been much agreement on how to accomplish this. One proposal has been made to create several independent units known as "pearls." Other proposals call for conserving the pearls and a separate large tract which affords a home for wildlife of the area.

I have proposed a Big Thicket National Park of up to 150,000 acres because I believe it will serve as a living laboratory for botanists, ornithologists, zoologists, and other scientists. Its value would be incalculable.

I recognize that the character of the Big Thicket is such that this park area could not tolerate heavy recreational use. It is my hope that the park can be so planned as to preserve the unique areas for the enjoyment of those who are concerned not only with our ecological life, but with the aesthetic values. Recognizing the limitations of recreational use of the area for residents of Houston, Beaumont, Port Arthur, Dallas, Fort Worth and other parts of Texas, I support the development of recreational facilities in the Toledo Bend, Dam B, and other water oriented areas. I believe by continuing the development of these recreational sites, and through preservation of the unique areas of the Big Thicket, we can create a truly meaningful recreational and conservation area which will best serve our citizens.


THICKET
WOODVILLE
ALABAMA AND COUSHATTA INDIAN RESERVATION
POLK
UPPER
ASPER
THICKET
ORANGE
BEAUMONT
LIBERTY
Boundary Map
Big Thicket National Park
Texas
Proposal As Recommended by Senator George Mahon
Bill Introduced: May 16, 1973

Senator BUMPERS. You are very fortunate to be represented by people like Senator Bentsen and Charlie Wilson. They are both extremely outstanding and well-respected people. And quite frankly, I think if you just turn George Bush loose, he still believes exactly what he believed when he spoke for that bill back in 1971, and maybe we can get him to say it again.

Ms. Wright.

STATEMENT OF BRENDA WRIGHT, PRESIDENT, CITIZENS TO SAVE VILLAGE CREEK

Ms. WRIGHT. Thank you.

Mr. Chairman, members of the subcommittee, I want to thank you for letting me testify before you today on matters that affect the lives and liberties of the citizens of southeast Texas. I would like to submit my written statement and request the balance of my time to read to the subcommittee from my prepared statement.

I am Brenda Wright and I represent Citizens to Save Village Creek, a group of property owners and concerned citizens in southeast Texas. First off, I would like to say that I am not opposed to the Big Thicket presently, but I am opposed to the addition.

My family and I looked for property for about six years before we found the property we were looking for. We were looking for a place with big oaks and dogwood trees on it. We wanted a creek to fish and play in. We never dreamed we would be able to buy property with Village Creek frontage.

My family and I are permanent residents of Village Creek and we live there each day and we sleep there each night. We consider all 22 acres our home, not just the frame house.

My family and approximately 150 other landowners along Village Creek stand to lose what is rightfully and legally ours if S. 1302, introduced by Senator Bentsen, and H.R. 919, introduced by Congressman Wilson, become law.

It is hard for us to comprehend the reason behind this legislation. Big Thicket National Preserve already has 86,000 acres, with part of Village Creek within its boundaries, more than enough land for the few visitors that come each year.

The vast majority of the citizens of our area, along with the Deep East Texas County Commissioners and County Judges Association, the American Farm Bureau, Texas Farm Bureau, Southeast Texas Regional Planning Commission, American Forestry Council, Texas Forestry Association, Deep East Texas Development Association, are all opposed to this legislation.

These people and organizations have respect for the private property rights of the American citizen. To strip a landowner of the right to own and manage the land he holds the deed to just because it is beautiful is un-American. It is an earned right of all free people to own and manage their land without fear of government interference.

Have we forgotten the federal government should never take resources from its people other than that which is necessary to perform functions of the government? Our Constitution is based on majority rule with minority rights. The private landowners are the

small minority. The preservationists want our land because it is beautiful.

We are fighting preservationists who have nationwide membership. It is easy for these preservationists to pick on private property owners like us and use money and political influence to impose their will on us. They want the American taxpayer to buy our beautiful private property for them.

We specifically have problems with the following areas of this legislation, and I have enclosed in the statement for your reference several attachments and two maps. First, S. 1302 requires some landowners to sell their land to the federal government because they do not live on their property.

Second, S. 1302 restricts residential property owners' use of their own land. We are the caretakers, we pay the taxes, but we cannot use the land in any productive capacity. My husband and I cannot even ride our horses or raise our horses on our own property. We cannot manage—we are not free to manage the health of our property, even to control the spread of the southern pine beetle.

Third, some properties have been totally excluded, allowing landowners to keep their property without having any restrictions placed on its use. Presently, Citizens to Save Village Creek has requested a hearing with the Texas Water Commission to prevent additional discharge of waste water into Village Creek, as requested by one of these excluded properties. We have also notified Congressman Wilson at a town meeting, Poke County, August the 11th of 1989.

As responsible landowners and managers, we are concerned about the effect on the creek environment as well as the health and welfare of our families. Because of our concern, we have moved to police our own in order to protect what we hold dear.

When can we live without fear of another addition to the Big Thicket National Preserve? Why cannot all individual landowners be treated the same? Why can we not all be left out of this bill?

Chairman Bumpers, we would like to request an official field hearing in Hardin County, or would you request statements and testimonies of a May 1988 hearing or town meeting held in the Hardin County Courthouse to be added to the record?

I appreciate the opportunity to testify today here and consider it an American right to respectfully disagree with the Texas Senator and the Senator Congressman. Thank you for your time.

[The prepared statement of Ms. Wright follows:]

STATEMENT OF THE CITIZENS TO SAVE VILLAGE CREEK
BEFORE THE SENATE ENERGY AND NATURAL RESOURCES,
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
REGARDING S. 1302 AND
H.R. 919 REGARDING THE BIG THICKET EXPANSION

Presented by Brenda Wright
Hardin County Kountze, Texas

October 24, 1989

Mr. Chairman, members of the Subcommittee, thank you for letting me testify before you today on the matters which affect the lives and liberties of citizens of Southeast Texas.

I would like to submit my written statement and request the balance of my time to read to the Subcommittee from my prepared statement.

I am Brenda Wright and I represent Citizens to Save Village Creek, a group of property owners and concerned citizens in Southeast Texas.

My family and I looked for land about six years before we found our property. We were looking for a place with big oak and dogwood trees on it. We wanted a creek to fish and play in. We never dreamed we would be able to buy property with Village Creek frontage. My family and I are permanent residents on Village Creek, we are there everyday and sleep there each night. We consider all 22 acres our home.

My family and approximately 150 landowners along Village Creek stand to lose what is rightfully and legally ours if S. 1302 introduced by Senator Bentsen and H.R. 919 introduced by Congressman Wilson become law.

It is hard for us to comprehend the reason behind this legislation. Big Thicket National Preserve already has 86,000 acres with part of Village Creek within the boundary. More than enough land for the few visitors that come each year. East Texans don't buy the line that with more preserve there will be more tourism. When Big Thicket National Preserve was first established, a Department of the Interior environmental impact statement was released saying that there would be 200 thousand visitors the first year of the Preserve's operation and by the tenth year of the operation there would be 600 thousand visitors annually. The Park Service totals show only 491,841 people have visited the Big Thicket since the Park Service began keeping visitor records in 1978. The largest visitor year was 1984 when 83,999 people visited the Preserve. Even using this "record high" number they only averaged 1 person for each acre of preserve.

The National Park Service did not support the enactment of H.R. 919 at the June 13, 1989, hearing.

The vast majority of citizens of our area, Deep East Texas County Commissioners and County Judges Association, American Farm Bureau Federation, Texas Farm Bureau, Southeast Texas Regional Planning Commission, American Forest Council, Texas Forestry Association and Deep East Texas Development Association are all opposed to this legislation. These people and/or organizations have respect for the private property rights of the American Citizen. The people of the area affected should be allowed to determine the fate of his or her own property, not the "once a year" visitor who does not even live in the district that will be most affected.

We believe it is an individual's right to own and manage his or her own property. To strip a land owner of the right to own and manage the land he holds the deed to just because it is beautiful is "un-America." It is an earned right of all free people to own and manage their land without fear of government interference which we feel is a violation of our rights as responsible, law abiding citizens whether we reside on our property or not.

Have we forgotten the federal government should never take resources from its people other than that which is necessary to perform functions of the government.

Our Constitution is based on majority rule with minority rights. The private land owners are the small minority. The preservationist wants our land because it is beautiful. We are fighting preservationists who have nationwide membership. It is easy for these preservationists to pick on private property owners like us and use money and political influence to impose their will on us. They want the American taxpayer to buy our beautiful, private property for them.

We specifically have problems with the following areas of this legislation; I have enclosed in the statement for your reference several attachments and 2 maps number 1 and 2.

First, S. 1302 requires some landowners to sell their land to the federal government because they don't live on their property.

Second, S. 1302 restricts residential property owners use of their own land. We are the caretakers, we pay taxes, but we cannot use the land in any productive capacity. We cannot raise our horses or ride them on the proposed property. We are not free to manage the health of our property even to control the spread of the southern pine beetle.

Third, some properties have been totally excluded allowing some landowners to keep their property without having any restrictions placed on its use. Presently the Citizens to Save Village Creek have requested a hearing with the Texas Water Commission to prevent additional discharge of waste water into Village Creek as proposed by the amendments to a permit request

of one of these excluded properties. We have also notified Congressman Wilson. As responsible land owners and managers, we are concerned about the effect on the creek environment by such action as well as the health and welfare of our families. Because of our concern, we have moved to police our own, in order to protect what we hold dear.

Another area that is unclear in the bill is the boundary description.

When can we live without the fear of another addition to Big Thicket National Preserve? Why can't all individual land owners be treated the same? Why can't we all be left out of this bill?

Chairman Bumpers, we would like to request an official field hearing to be held in Hardin County so other residents and concerned citizens will be able to voice their views on this bill, or would you request statements and testimony of the May 1988 hearing at Hardin County Courthouse to be added to the record.

I appreciate the opportunity to testify here today and consider it an "American" right to respectfully disagree with the distinguished Texas Senator.

Thank you for your time and I would be glad to answer any questions you may have.

ATTACHMENT A

Received: 7/1/88
Source: James Hatton, BTNP

File = HISTYVIS

HISTORY OF VISITATION
BIG THICKET NATIONAL PRESERVE

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	REMARKS
1978											44 a	19	63	a. Turkey Creek Trail opened
1979	27	27	74	95	199 b	258 c	200	193	311	554	623 d	341	2932	b. T.C. formation Station opened
1980	342	545	1192	1698 e	977	702	622	1256 f	1411	1209 j	1549 j	654 j	12157	c. Kirby ature Trail opened
1981	575 j	616	1142	1306	1245	939 g	849 h	2590	4804 i	4698	2268	4992	26084	d. Beech oods Trail opened.
1982	3628	2246	2727	3088	2844	2513	3505	7485	3225	7721	5864	4304	49250	e. Sundew Trail opened.
1983	2826	1754	2960	3894	2567	1408	1920	2948	1739	5451 k	4911	1549	33927	f. First ear to issue hunting ermits.
1984	2345	2474	6815	5420	7281 l	11019	8394	9708 m	6536 n	8150	10099	5758	83999	g. Lance osier U. counts begun.
1985	4439	2597	5141	7023	8297	8683	7290	10326	6796	8019	5691	5617	79829	h. New Headquarters (& Desk) at 8189 Kastex
1986	5162	3636	5348	4666	10324	5660	3838	7438	5830	5578	6411	4197	68088	i. Jack Gore Baygall counts began.
1987	4499	3093	4720	5950	8199 o	4020	5987	6225	3473	6004	6411 e	4197 e.	62778	j. Huntin season (Oct - Jan.).
1988												P	72,734	k. Woodlands Trail opened.
1989													0	l. Lakeview Beach area added.
1990													0	m. Access ble Sundew Trail loop added.
1991													0	n. Pitcher Plant Trail opened.
														o. Headquarters moved to 3785 Milam.
														P. 1988 totals provided by BTNP

total 491,841

Through years 1978-1988 a total of 491,841
people have visited the BIG THICKET NATIONAL PRESERVE

ATTACHMENT B

STATEMENT OF HERBERT S. CABLES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS, HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, CONCERNING H.R. 919, A BILL TO INCREASE THE SIZE OF THE BIG THICKET NATIONAL PRESERVE, TEXAS.

June 13, 1989

Mr. Chairman I appreciate the opportunity to provide your Subcommittee with the views of the Department of the Interior on this legislation.

We do not support enactment of H.R. 919. While we have determined that certain lands may be suitable for addition to the Big Thicket National Preserve, we do not recommend that they be authorized for purchase at this time.

H.R. 919 is identical in substance to legislation approved by this Subcommittee and passed by the House of Representatives in 1988. It would add about 14,000 acres to the Big Thicket National Preserve, which currently comprises 84,550 acres in twelve separate units in southeastern Texas.

When the National Park Service testified on the bill in July 1988, we stated that our field staff determined that certain lands identified in the bill may be suitable for addition to the Preserve. We further testified, however, that our field staff had not had sufficient time to prepare and evaluate the data necessary to recommend exactly which lands, if any, should be added to the Preserve and what the costs might be. We therefore recommended against enactment of the bill last year, and stated that we would not object to legislation to provide for a comprehensive boundary study for the Preserve. No such legislation was enacted.

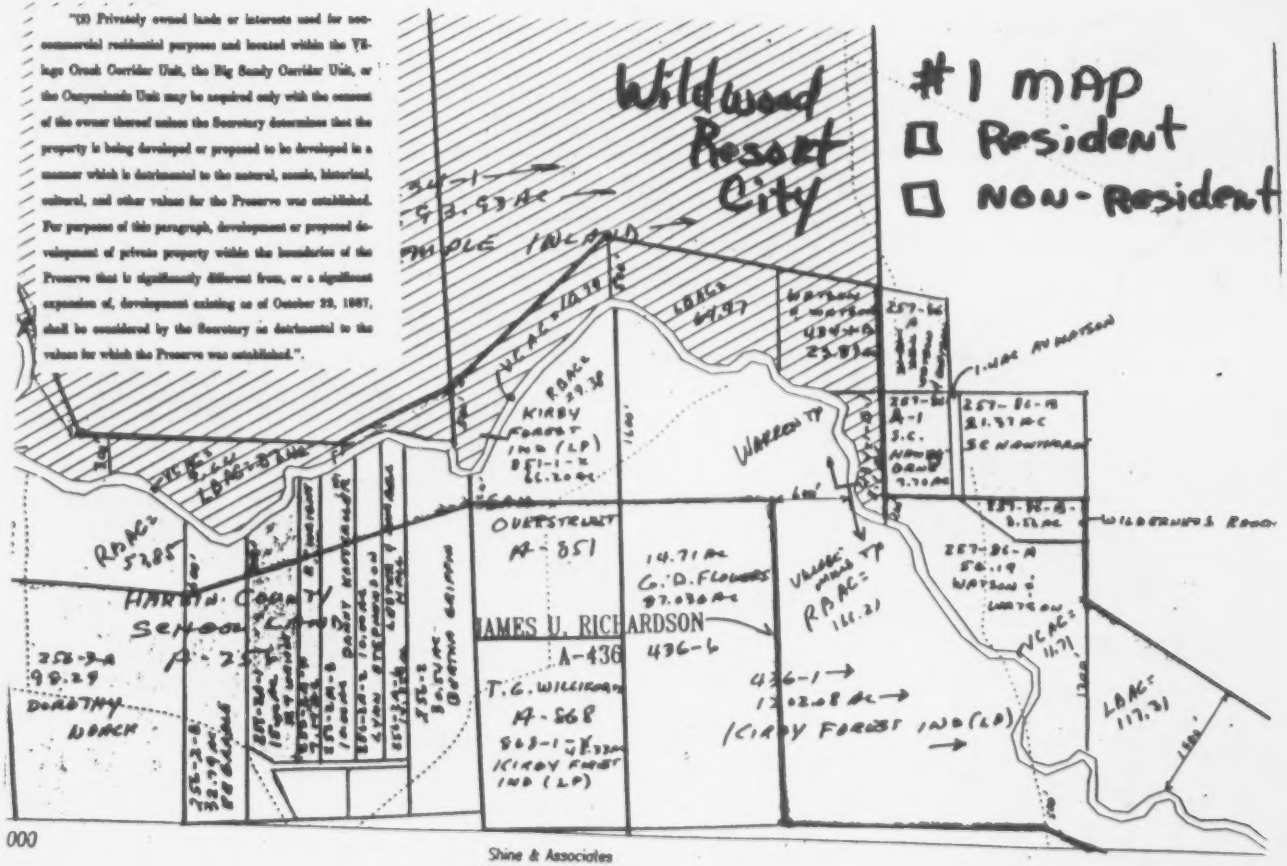
Since that time, our field staff have further evaluated the additions proposed in this legislation. As a result, we have determined that certain lands in the proposed Village Creek and Canyonlands units may be suitable for addition to the Preserve. These lands total 10,479 acres, and would cost approximately $21 million to acquire. However, these proposed addition to Big Thicket are not essential for protecting threatened resources or providing important and otherwise unavailable opportunities for outdoor recreation. They are not priority additions, consequently it would be unfair to present owners to suggest

that Federal monies would be available to acquire these properties in the foreseeable future. Except for emergency situations, such as are present at East Everglades, we believe the limited land acquisition funds in the President's budget should be directed at acquiring lands within existing park boundaries.

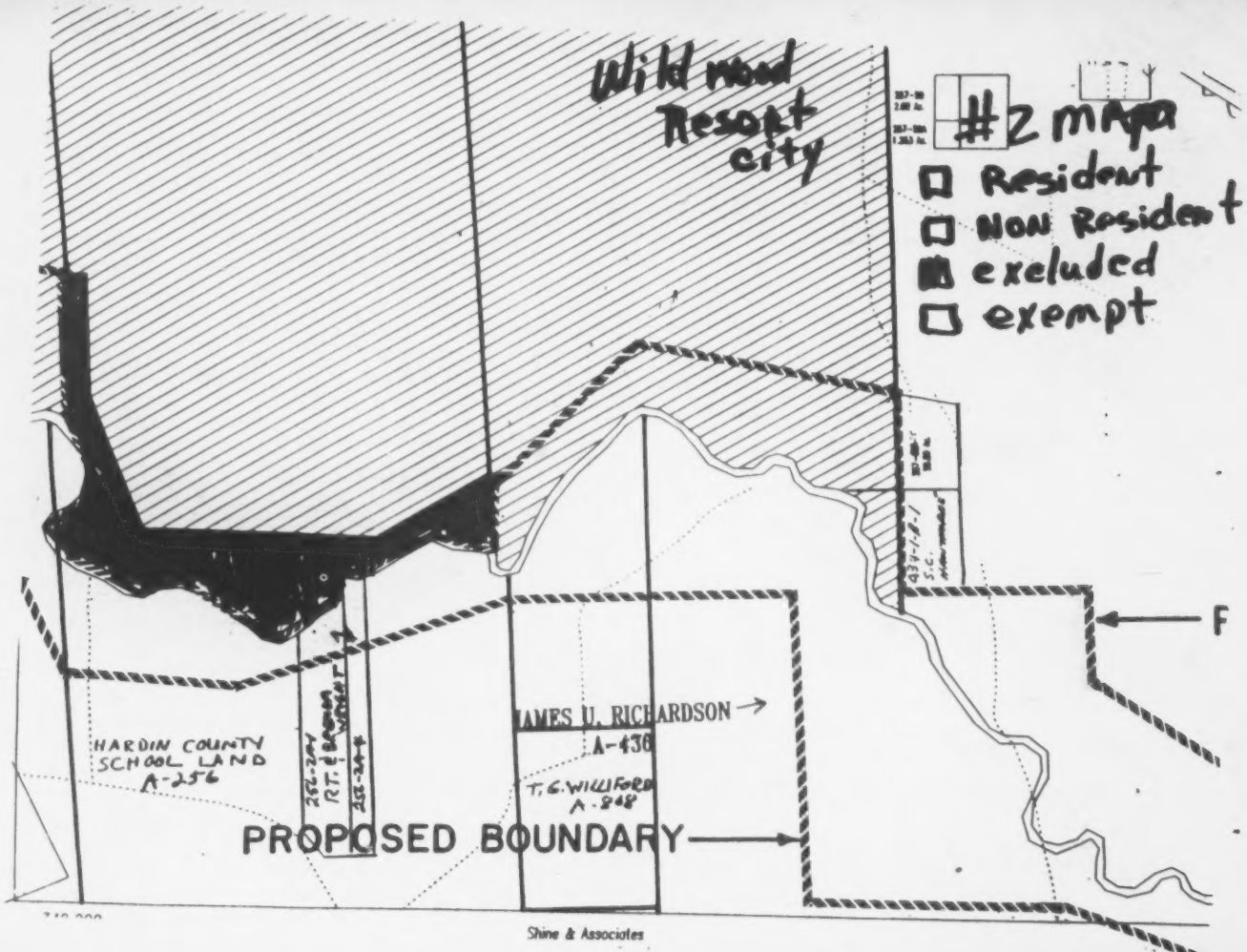
Mr. Chairman, H.R. 919 would also add a proposed 6,120 acre Big Sandy Corridor Unit to the Preserve. We do not believe this unit is appropriate for addition to the Preserve. It would be difficult to manage, would provide little in the way of public use opportunity, and many of the natural resources of this area are duplicated in other units of the Preserve. The corridor is extremely narrow, and the stream is too shallow for canoeing most of the time.

This concludes my prepared remarks, Mr. Chairman. I would be pleased to respond to any questions you may have.

"(3) Privately owned lands or interests used for non-commercial residential purposes and located within the Village Creek Corridor Unit, the Big Sandy Corridor Unit, or the Canyonlands Unit may be acquired only with the consent of the owner thereof unless the Secretary determines that the property is being developed or proposed to be developed in a manner which is detrimental to the natural, scenic, historical, cultural, and other values for the Preserve was established. For purposes of this paragraph, development or proposed development of private property within the boundaries of the Preserve that is significantly different from, or a significant expansion of, development existing as of October 22, 1987, shall be considered by the Secretary as detrimental to the values for which the Preserve was established.".



Shine & Associates
685 South 3rd Street
Silsbee, Texas


Wild road
Resort city
#2 MAP
Resident
NON Resident
exeluded
exempt
F
JAMES U. RICHARDSON
A-436
HARDIN COUNTY
SCHOOL LAND
A-256
T. G. WILLFORD
A-848
PROPOSED BOUNDARY
Shine & Associates

Senator BUMPERS. Thank you, Ms. Wright, and certainly it is your right to come here and testify in opposition to this bill and take exception to any or all parts of it.

Let me ask you a couple of questions. You say you cannot ride your horses on your land?

Ms. WRIGHT. No, sir.

Senator BUMPERS. What is the reason you cannot?

Ms. WRIGHT. In the bill——

Senator BUMPERS. You mean you could not if the bill passed?

Ms. WRIGHT. No, sir.

Senator BUMPERS. You cannot now?

Ms. WRIGHT. On the map that you have it shows the restricted area. Anything after October 22nd of 1987, the yellow in that second map shows a restricted area.

Senator BUMPERS. It does what?

Ms. WRIGHT. The second map is going to be the restricted area. No, this map here, in your statement, in your written statement.

Senator BUMPERS. Oh, wait just a minute. I am sorry, I was looking——

Ms. WRIGHT. Anything within the boundary in the yellow line is what is proposed to be in the addition. Even though we live on our property, the boundary still crosses our place. This property is subject to the paragraph that says "Anything that is determined to be detrimental to the property," c and the actual reading in the bill is on map one.

At the hearing in June, we were told that we would not be able to ride or raise our horses, that we cannot control pine beetles. So anything after October 22, 1987, basically is going to be considered detrimental.

Senator BUMPERS. How long is your property north and south generally, Brenda?

Ms. WRIGHT. 1782 feet.

Senator BUMPERS. And how much frontage do you have on the river, or the creek?

Ms. WRIGHT. About 600 feet.

Senator BUMPERS. 600?

Ms. WRIGHT. Yes, sir. It is a long, narrow piece.

Senator BUMPERS. It is about three times as long as it is wide?

Ms. WRIGHT. Yes, sir.

Senator BUMPERS. And how much of your land would be taken under this bill, if in fact it ever was taken?

Ms. WRIGHT. Approximately seven acres.

Senator BUMPERS. You own 150?

Ms. WRIGHT. No, sir, we own 22.

Senator BUMPERS. You only own 22 acres altogether?

Ms. WRIGHT. I own 22 acres, yes, sir.

Senator BUMPERS. What does your husband do?

Ms. WRIGHT. My husband and I own a small business.

Senator BUMPERS. Where?

Ms. WRIGHT. In Beaumont, and we travel 30 miles one way back and forth every day.

Senator BUMPERS. That is a 60 mile a day commute for you?

Ms. WRIGHT. Yes, sir.

We love the creek. That is why we bought the property, for the creek.

Congressman Wilson has told us that, your property value will go up. There is property for sale on Village Creek north and south right now, because people do not want to buy the creek property because they are afraid of what is going to happen.

Senator BUMPERS. Describe that creek for me, where it runs by your place? Is your home on the creek?

Ms. WRIGHT. Yes, sir.

Senator BUMPERS. It is on the seven acres?

Ms. WRIGHT. No, sir. My home is just inside.

Senator BUMPERS. You mean it is just outside the proposed boundary?

Ms. WRIGHT. Just outside. But as I said, we consider all 22 acres our home.

The creek is probably not quite as wide as this room. We have an extremely high bank.

Senator BUMPERS. Does it flow all year long?

Ms. WRIGHT. Yes, sir, it is a flowing stream. It has got a good sand bottom. It is a moving sand bottom. It migrates. It may be deep one place here and then the next time when it floods it will be shallow.

Senator BUMPERS. How deep is it generally where you live?

Ms. WRIGHT. It depends on the time of the year.

Senator BUMPERS. Is it a clear stream?

Ms. WRIGHT. Yes, sir, it is clear.

Normally it is anywhere from knee-deep to neck-deep. After it floods it may be 20 foot deep in places.

Senator BUMPERS. How high is the embankment normally to the water?

Ms. WRIGHT. We are fortunate enough that we are one of the places that have one of the high banks. In our area it is about, probably about 35, 40 feet.

We lose property. When the creek floods, we do lose about three acres on our west side—on our east side, pardon me, that actually goes under water.

Senator BUMPERS. Do you have any plans to change your use of that land? Do you plan to live and die on it the way it is right now?

Ms. WRIGHT. Yes, sir. We have kept the property basically—we have a pavilion on the creek, but it is back.

Senator BUMPERS. Pavilion?

Ms. WRIGHT. We built a barn, pole barn, basically a shed, so to speak, that when it rains we can get out. We spend a lot of time back at the creek. We barbecue, we have friends back there.

This pavilion is not an eyesore. It is back off of the creek. You cannot even see it from the creek, but it is up behind that high bluff.

We have left the creek basically intact as is. We have some trails that we walk on. We have our fence that goes down to the creek to keep the horses in. We keep that clear and we keep it mowed. We keep the trails that we have mowed where we can get through them.

Senator BUMPERS. You say you could not ride your horses on that seven acres?

Ms. WRIGHT. That is what they have told us at the last hearing.

Senator BUMPERS. Do you know what part of this legislation that would prohibit that?

Ms. WRIGHT. The personal property. I believe it is on page 4, lines 10 through 23—or 4 through 23.

Privately owned lands or interests used for non-commercial residential purposes and located within the Village Creek corridor unit, Big Sandy Creek corridor unit, or the Canyonlands unit may be acquired only with the consent of the owner thereof, unless the Secretary determines that the property is being developed or proposed to be developed in a manner which is detrimental to the natural, scenic, historic, cultural, or other values for which the preserve was established. For the purpose of this paragraph, development or proposed development of private property within the boundaries of the preserve that is significantly different from or a significant expansion of development existing as of October 22, 1987, shall be considered by the Secretary as detrimental to the values for which the preserve was established.

Senator BUMPERS. You did not have horses on October 22, 1987?

Ms. WRIGHT. No, sir.

Senator BUMPERS. When did you buy this property?

Ms. WRIGHT. We bought our property in 1983, and we had no idea.

Senator BUMPERS. Did you know at that time that there had been efforts here before to include this land?

Ms. WRIGHT. No, sir. We knew that the Big Thicket had come through, but we did not—you know, when Charles Wilson, Congressman Wilson, said that he was not going to include the Village Creek, we did not——

Senator BUMPERS. If we were to change that word—now first of all, you know that the property can only be acquired with your consent.

Ms. WRIGHT. Yes, sir.

Senator BUMPERS. Now, if you plan to build a high rise on that seven acres, then it would not require your consent. But I take it from the way you have testified of your love of the area you have no intention of using it for such a thing as that.

Ms. WRIGHT. No, sir.

Senator BUMPERS. You just want to use it the way you are using it right now.

Ms. WRIGHT. Yes, sir, we do.

Senator BUMPERS. Well, I believe it is Charles Wilson's position, and it certainly would be mine, that as long as that is the case you would not have anything to fear. And I would also suggest that we might say that, instead of saying that "shall be considered by the Secretary, '"may be considered by the Secretary. '

So I do not see anything wrong with your riding horses on that seven acres, even though you did not do that before.

Now, what is this thing about the pine beetles?

Ms. WRIGHT. Chairman Vento, Congressman Vento, said that there would be no——

Senator BUMPERS. Did you testify on the House side on this?

Ms. WRIGHT. Yes, I did, yes, sir.

Senator BUMPERS. Go ahead. Congressman Vento said?

Ms. WRIGHT. Congressman Vento and the National Park Service, there would be no tree-cutting. That means we cannot—he said there would be no tree-cutting whatsoever. That means you cannot control. If you have got one or two pine trees that have pine bee-

tles in them—I am not a forester, so I cannot be certain—they have told us the best way to control that is to put those trees on the ground.

And if we have a tree that falls across the fence, you know, we have to keep our fences up to keep the horses in. Or if I have a big tree that has fallen to nature, can we cut it down to keep it from tearing anything else up?

Senator BUMPERS. Is most of the 22 acres you own in timberland? Is it timber?

Ms. WRIGHT. About half of it.

Senator BUMPERS. How thick is it?

Ms. WRIGHT. Have you been to East Texas?

Senator BUMPERS. Very thick?

Ms. WRIGHT. Yes, sir.

Senator BUMPERS. Have you cleared any of it since you moved there?

Ms. WRIGHT. In 1983 we did clear enough for a house place and a garden and some pastureland for the horses. This was our original plan, to buy property and to raise horses.

Senator BUMPERS. Well, we certainly will try to be mindful of your concerns. I must say I think that you may be overstating the case as to what you will be able to do and not be able to do in case this bill passes in that seven acres. Bear in mind, that seven acres is not going to be taken even under the bill——

Ms. WRIGHT. Yes, sir.

Senator BUMPERS [continuing]. Unless you propose to use this in a manner that would be adverse to the intent of the bill. I cannot imagine riding horses on that seven acres being adverse to the bill, adverse to the reasons. Nor do I think that you would be prohibited from keeping the pine beetles. That is the customary way of treating the pine beetle, is to cut infested trees.

Ms. WRIGHT. May I make a comment?

Senator BUMPERS. Yes.

Ms. WRIGHT. What happens when the Big Thicket has property next to me and they get pine beetles in their property? They do not exercise any right—they do not take care of that property to exclude those pine beetles. Then if they have an epidemic next to me, then that would run them into our place.

Senator BUMPERS. You are talking about land that belonged to the Park Service in the Big Thicket?

Ms. WRIGHT. Yes, sir.

Senator BUMPERS. Well, the Big Thicket would not be a big thicket if we did not treat pine beetles.

Ms. WRIGHT. Well, Big Sandy is a toothpick forest right now because it was not treated.

Senator BUMPERS. Well, as I say, I suppose we could conjure up a lot of horror stories about what could and could not be done.

Ms. WRIGHT. Yes, sir.

Senator BUMPERS. But I think we might change the word "shall" to "may," so that the Secretary is not automatically mandated to take your property just because somebody happens to see you riding horses on seven acres. I honestly do not believe that is a threat, but maybe I am wrong.

Ms. WRIGHT. I am here representing myself, but I am also representing the other area groups.

Senator BUMPERS. How many homeowners are there along this proposed area?

Ms. WRIGHT. I am not sure how many homeowners. There is approximately 150 landowners. Some of them have houses that they have actually started on, and when we found out about the bill—and we are one. We wanted to build a home there. We had an old home moved in. We were going to renovate that, and we have basically stopped.

There are several places the private property owners, when they face the problem of losing their property or a valuable piece of their property, they have quit work on their place.

Senator BUMPERS. Well, Ms. Wright, I am sensitive to your concerns and we appreciate very much your taking the time to come up here to represent yourself and I am sure speak for many other homeowners in this area.

Ms. WRIGHT. Landowners also.

Senator BUMPERS. And landowners.

I might not be quite as sensitive to just the landowners as I am to the homeowners, when you buy something and you build a home on it and you expect to live there. Even so, this bill does not propose to take that property from them unless they are willing sellers, even if they are just landowners.

Ms. WRIGHT. No, they have to have lived there prior to October 22, 1987.

Senator BUMPERS. Non-commercial—what does it say?

Ms. WRIGHT. Residential.

Senator BUMPERS. Well, I stand corrected on that.

Ms. WRIGHT. Like I was saying, there are numerous people that have not moved up there. One in particular, if I could quote, was a fireman in Beaumont. He was restricted to live in Beaumont. He has property, he has a house up there, and was waiting to move up when he retired.

Now he is going to lose that valuable piece of his property on the creek frontage because he did not live there prior to October 22, 1987.

Senator BUMPERS. Well, we will try to address your concerns as best we can here in keeping with the purposes of the legislation. And again, I want to thank you for taking the time. It is a long trip.

That is a part of Texas—I know a lot of Texas, but that is a part that I am not familiar with. I do not think I have ever been to Beaumont, Texas, before in my life.

Ms. WRIGHT. Well, you have to stop in Kountze. That is where it all is.

Senator BUMPERS. I will, I will stop, and I will expect you to have a big meal ready for me when I get there.

Ms. WRIGHT. Any time.

Senator BUMPERS. Thank you very much, and thank you, Ms. Johnston.

Ms. WRIGHT. Thank you.

Senator BUMPERS. Our last panel this afternoon is: Kevin Coyle, Vice President and Conservation Director of American Rivers;

Steven D. Blackmer, Concord City Councilor of Concord, New Hampshire; Patricia Schlesinger, President, Pemigewasset River Council, New Hampton, New Hampshire.

Mr. Coyle, your name is first on the list, so why do you not commence.

STATEMENT OF KEVIN J. COYLE, VICE PRESIDENT AND CONSERVATION DIRECTOR, AMERICAN RIVERS, INC.

Mr. COYLE. Thank you, Mr. Chairman. My name is Kevin Coyle. I am Vice President and Conservation Director for American Rivers, Inc., in Washington, D.C.

Mr. Chairman, we wish to express our support for both of these bills, the passage of S. 1046 and 1524. The Merrimack and Pemigewasset Rivers are both outstanding resources. We are going to hear testimony from other folks on this panel about the importance of these particular rivers. I would like to focus our comments, that of American Rivers, on the national importance of both of these bills.

There are basically three points to make. The first is that, while we may think of rivers in the New England region as America's working rivers and thus dammed and developed for mill works, power production, and other uses, the region has many natural and undeveloped stream segments. Indeed, the qualities of such streams are enhanced by the legendary pastoral beauty of the New England landscape and its rich cultural heritage.

Most rivers in the Wild and Scenic System are more remote and are farther from population centers. The majority are situated in the American West and thus flow across public land. These two rivers therefore present an exceptional opportunity to broaden the diversity of rivers within the national system.

Second, the fact that these rivers have broad-based local support is particularly noteworthy. As you know, Mr. Chairman, and the testimony that we've just heard from the previous panel, rivers bordered mostly by private land pose a considerable challenge to the conservationists.

Often the mere prospect of a Wild and Scenic Rivers study on such a river can mobilize whole communities against river protection and politically negate the potential for a study or designation for years or even decades to come. Even though the Wild and Scenic Rivers Act contains a clear emphasis on protecting local landowners and community interests, the Act is often misunderstood.

It is complicated language and it can be intimidating to local citizens. In this instance, however, through careful assistance and communications provided by the National Park Service and through its involving key local decisionmakers at every stage of the pre-study process, these bills have a majority of local support, which we will hear more about from the other members of this panel.

Third, we wish to urge the subcommittee to provide guidance in the legislative records of these two bills to help make explicit a critical tenet of new and innovative thinking by the National Park Service in undertaking Wild and Scenic River studies.

This is best exemplified by the recently designated and precedent-setting Wildcat Brook of New Hampshire, which this committee passed the past Congress. This tenet is that for effective river protection to take place on a river bordered by private land, the authorized study should, indeed must, include a highly detailed plan—underline the word "detailed," based on some of the comments that we heard in the previous panel—for how the river will be managed in the future.

Generically, the Wild and Scenic Rivers Act calls for a plan after designation, an approach wholly appropriate for public lands. This is often a major mistake, however, for private land rivers due to the simple fact that local people want to know what they are getting into ahead of time. A worried riverside landowner's questions can be exceedingly specific:

Can I build another cabin on my five acres? Can I repaint my barn? Can I clear a few acres of land for crops? Can I ride my horses, as we have just heard?

We should not expect landowners and local officials to be satisfied by unspecific, albeit well-intentioned, assurances by federal resource planners that local rights along a potential wild and scenic river will not be imposed upon.

With that, Mr. Chairman, I conclude my testimony, other than to commend Senators Humphrey and Rudman for their leadership in proposing these two bills.

[The prepared statement of Mr. Coyle follows:]

Testimony of Kevin J. Coyle, Vice President
and Conservation Director, American Rivers, Inc.

Before the:

Senate Subcommittee for Public Lands,
National Parks and Forests

on:

S.1046 and S.1524

Legislation to study segments of the Merrimack
and Pemigewasset Rivers in New Hampshire
as potential additions to the National
Wild and Scenic Rivers System

October 24, 1989

801 Pennsylvania Ave., S.E.
Suite 303
Washington, D.C. 20003
202-547-6900

Thank you, Mr. Chairman, my name is Kevin J. Coyle, and I am Vice President and Conservation Director for American Rivers, Inc., the nation's principal river-saving organization.

Mr. Chairman, we wish to lend our support to the passage of both S. 1046, a bill to authorize Wild and Scenic River study for a segment of the Merrimack River in New Hampshire, and S. 1524, a bill to study a segment of the Pemigewasset, also in New Hampshire. The Merrimack and Pemigewasset rivers are outstanding resources, each of which deserves appropriate recognition and protection. Others are testifying today on the outstanding features these rivers possess and the threats they now face. I would like to focus our comments on the national importance of these two bills.

First, while we may typically think of rivers in the New England Region as America's working rivers and thus dammed and developed for mill works, power production, railroad and automobile passage, and urban uses, the region has many natural and undeveloped stream segments. Indeed, the qualities of such streams are enhanced by the legendary pastoral beauty of New England landscapes and their rich cultural heritage. Most of the rivers now included in the National Wild and Scenic River System differ from these two streams. Most rivers in the system are more remote and are farther from population centers. A majority are situated in the American West and thus flow across public

land. These two rivers--Eastern, New England rivers--therefore, constitute an exceptional opportunity to broaden the diversity of rivers within the national rivers system and to make it more representative of all the nation's rivers.

Second, the fact that these studies have broad-based local support is particularly noteworthy for future river studies and designations. As you know, Mr. Chairman, rivers bordered mostly by private land pose a considerable challenge to the conservationist. Often the mere prospect of a Wild and Scenic River Study on such a river can mobilize whole communities against river protection and politically negate the potential for study or designation for years, even decades, to come. Even though the Wild and Scenic Rivers Act contains a clear emphasis on protecting local landowners and community interests, the Act is often misunderstood and its complicated language can be intimidating to the local citizen. In this instance, however, through careful assistance and communications provided by the National Park Service and through its involving key local decisionmakers at every stage of the "pre-study" process, these study bills have documented local support and thus can teach us a number of lessons for future Wild and Scenic River protection efforts.

Finally, we wish to urge the Subcommittee to provide guidance in the legislative records of these two bills that will

help to codify and make explicit a critical tenet of new and innovative thinking by the National Park Service in undertaking Wild and Scenic River protection activities along rivers bordered by private lands. This is best exemplified by the recently designated and precedent-setting Wildcat Brook Wild and Scenic River, also of New Hampshire. The tenet is that for effective river protection to take place on a river bordered by private land, the authorized study should, indeed must, include a highly detailed plan for how that river will be managed in the future if it is to be designated. Generically, the Wild and Scenic Rivers Act calls for such a plan <u>after</u> designation--an approach wholly appropriate for public land areas. This is often a major mistake, however, for private land rivers due to the simple fact that local people want to know what they are getting into ahead of time. A worried riverside landowner's questions can be exceedingly specific--Can I build another cabin on my five acres? Can I repaint my barn? Can I clear a few acres of land for crops? We should not expect landowners and local officials to be satisfied by unspecific--albeit well-intentioned--assurances by federal resource planners that local rights along a potential Wild and Scenic River will not be unduly imposed upon. Virtually all of the 31 states that have their own scenic river programs under state law recognize this need and they develop specific management plans <u>prior</u> to designation. It is only the federal Act that seeks to reverse this common-sense process. In the Wildcat Brook instance, the National Park Service was successful

in informally implementing a "plan first" approach--an almost "bootleg" approach--and we would like to see this given more official recognition and legitimacy by the Congress.

We wish to commend Senators Humphrey and Rudman for their leadership in introducing these very important bills and also to acknowledge the support of Congressmen Smith and Douglas, who introduced counterpart legislation in the House of Representatives. Thank you, Mr. Chairman, and I will be pleased to respond to any questions you may have.

Senator BUMPERS. Thank you, Mr. Coyle.
Mr. BLACKMER.

STATEMENT OF STEPHEN D. BLACKMER, CONCORD CITY COUNCILOR, CONCORD, NEW HAMPSHIRE

Mr. BLACKMER. Thank you very much, Mr. Chairman. I am Stephen Blackmer, resident of Concord, New Hampshire, a member of the Concord City Council.

I am here first and foremost in that capacity, but also in two other capacities: as Chairman of the State of New Hampshire Rivers Management Advisory Committee, which is in the process of developing a state rivers management program; and as the Director of Conservation Programs for the Appalachian Mountain Club, my professional responsibility. AMC is the largest conservation organization in the Northeast.

In my capacity representing the City of Concord, I would like to thank Senator Rudman and Senator Humphrey for introducing this.

The City of Concord initiated the request to have the Merrimack in particular studied for possible Wild and Scenic designation in 1985. An historic dam on the river washed out in 1984, revealing a substantial stretch of hitherto unseen, for nearly a century unseen, free-flowing water, and really revolutionized the awareness of the citizens of Concord, made people realize what a tremendous resource in fact they had there right at their doorstep.

It had been one of the dirtiest rivers in America until some time in the seventies, when, thanks to the concerted federal, state, and local cleanup efforts, installation of sewage treatment plants and so forth, the river is now magnificently clean, swimmable, fishable, and just it is a wonderful, wonderful resource.

The City Council in 1986 established a Merrimack River Corridor Coordinating Committee to work with the other communities along this stretch of the Merrimack, a roughly 22-mile stretch, got the agreement of all the other communities on that stretch of the river to support the request for a Wild and Scenic study, and we are proceeding on that basis, with that kind of formal support from every single community in the corridor.

As the Merrimack has been cleaned up, ironically, there have been more threats drawn to it, in some cases by its very attractiveness, both threats from hydro power development, the most recent of which, the most recent proposal, has been defeated, withdrawn I guess by the developer in response to the concerted local opposition.

And secondly, a substantial threat from shoreline development, which thus far has not happened because city zoning currently does not permit development along much, at least within Concord, much of the shoreline. But that zoning is subject to change, as is any zoning of that sort, and I think a Wild and Scenic designation would be of enormous assistance to Concord and to the other communities, or I should say a Wild and Scenic study in this case, of enormous assistance in upholding their current commitment to protecting that river.

The corridor is not only, the Merrimack corridor, is not only at the northern fringe of the Boston to Washington, or I guess Boston to Richmond or whatever, development, we are really right at the northern fringe; but it is also paralleled by an interstate highway, making the threat from development fairly substantial. And we would really appreciate the support of the federal government in studying the river.

Secondly, I am here on behalf of the New Hampshire Rivers Management Advisory Committee. In 1988 the state passed the first significant piece of state rivers protection legislation, designating both the Merrimack and the Pemigewasset as two of the first six protected rivers in the state, charged the Rivers Advisory Committee with developing permanent protection measures—the legislature at that time only passed temporary protection measures—charged this Advisory Committee with developing the permanent ones.

I have been fortunate enough to be the chair of that pine beetle in developing those. I have attached to my written testimony, and you should have copies of those, the current proposals for the state rivers program, which I think are entirely consistent with and would reinforce the federal Wild and Scenic study.

But I think that that process is again indicative of the kind of support that has been forthcoming from the state of New Hampshire for protecting both the Merrimack and the Pemigewasset, as well as a number of other rivers in the state.

I would like to thank—I wish Director Cables or Deputy Director Cables was still here. I would like to thank the Park Service for having contributed a substantial amount of technical assistance in developing that state program.

Finally, in my professional capacity with the Appalachian Mountain Club, I would like to note another significant initiative, again supported by the Park Service technical assistance program, to develop a statewide trail running along the Merrimack, the Pemigewasset, and ultimately up through the northern part of New Hampshire along the Connecticut River, a path extending the entire length of the state from the Massachusetts border to the Canadian border.

That will, I hope, along with these studies and eventual I hope designation of the rivers, provide the real core of a permanent greenway running right up through the center of New Hampshire. I think it will provide a really fabulous resource for generations to come with these rivers.

My testimony spills over a little bit to the Pemigewasset because they are both such wonderful rivers.

Thank you very much for the opportunity to testify. I would be glad to answer any questions.

[The prepared statement of Mr. Blackmer follows:]

STATEMENT OF

STEPHEN D. BLACKMER
CITY COUNCILOR, CONCORD, NEW HAMPSHIRE

before the

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
Subcommittee on Public Lands, National Parks, and Forests

on the proposed

WILD AND SCENIC RIVER STUDY FOR THE

MERRIMACK AND PEMIGEWASSET RIVERS

October 24, 1989

Mr. Chairman:

I am Stephen Blackmer, a resident of Concord, New Hampshire. I am here today in three capacities. First, I am representing the City of Concord as a volunteer, elected, member of the Concord City Council. In addition, I am here in my capacity as chairman of the state's Rivers Management Advisory Committee, charged with developing and overseeing the New Hampshire Rivers Management and Protection Program. Finally, I am here also in my professional capacity as Director of Conservation Programs for the 36,000 member Appalachian Mountain Club, the largest and oldest conservation organization in the northeast, founded in 1876.

In all three capacities, I am pleased to be able to strongly support the proposed Wild and Scenic study of the Merrimack and Pemigewasset Rivers.

The request to the New Hampshire delegation to add the Merrimack River to the Wild and Scenic Rivers program was made initially by the City of Concord in 1985. The request followed a unanimous city council vote to oppose the construction of a hydropower dam at Sewalls Falls on the Merrimack in Concord. The city council established a Merrimack River Corridor Coordinating Committee to contact other communities along the river and to seek their support for Wild and Scenic designation. We are here today following unanimous endorsement of that request by the communities along the upper Merrimack, including the City of Franklin, the Towns of Northfield, Boscawen, Canterbury, Bow and Pembroke.

Only ten years ago, the Merrimack was a polluted, running sewer, termed one of the America's ten dirtiest rivers. Today, thanks to concerted federal, state, and local cleanup efforts, it is a clear, clean river. It attracts recreational users from swimmers and fishermen to white water canoers. It harbors tremendous wildlife populations, including bald eagles.

Yet, as the Merrimack has been cleaned up, it has attracted new threats - threats to its free-flowing character from hydropower development and threats to the pristine, natural character of its shoreline from rapid development. Wild and Scenic study is an appropriate, and necessary, response to these threats.

While parts of the Merrimack downstream of the study stretch are relatively industrialized - the Merrimack in Manchester and Nashua, New Hampshire, and in Lowell and Lawrence, Massachusetts, were among the centers of the industrial revolution in the nineteenth century - the study stretch is almost totally undeveloped and pristine. According to a study prepared by the New Hampshire Office of State Planning, 80 percent of the upper Merrimack corridor contains no development at all. Considering that this stretch passes through the center of Concord - the state's capital - and is paralled by an interstate highway its entire length, this absence of development is remarkable.

I am testifying today also in my capacity as chairman of the New Hampshire Rivers Management Advisory Committee. The advisory committee was established in 1988 by the state legislature as part of the Rivers Management and Protection Program - the state's first major step towards creating a statewide rivers program.

The Rivers Management and Protection Program was enacted to protect the scenic, recreational, and ecological values of New Hampshire's rivers through state protection of instream flows and water quality and through development of state and local river corridor management plans. The state legislature imposed a temporary moratorium on state permits for new dams on six rivers, including the Merrimack and the Pemigewasset, and charged the Rivers Management Advisory Committee with developing recommendations for permanent protection measures for these six rivers and with developing a process for adding rivers to the program. The committee's recommendation to the legislature is nearing completion; I have submitted the most recent version with my written testimony. Incidentally, I would like to thank the National Park Service's River and Trail Conservation Assistance Program for assisting the state in developing these protection measures.

While these recommendations must be debated and adopted by the state legislature before taking effect, the process and the direction of the recommendations are indicative of the state's support for protecting the Merrimack, Pemigewasset, and other New Hampshire rivers. A combination of local, state, and federal efforts will be necessary to protect these rivers adequately, and enactment of this study is a necessary part of that joint effort.

In my professional capacity as Director of Conservation Programs for the Appalachian Mountain Club, I would like to mention yet another significant initiative along both the Merrimack and the Pemigewasset Rivers that complements the existing local and state river protection efforts and the proposed Wild and Scenic study. In 1988, the New Hampshire Division of Parks and Recreation, at the direction of the state legislature, and again with the assistance of the Park Service's River and Trail Conservation Assistance Program, began to build the New Hampshire Heritage Trail - a footpath that will extend the length of the state of New Hampshire, running the length of the Merrimack River from the Massachusetts line, up the Pemigewasset, and finally following the upper Connecticut River to the border with Canada. Several stretches of the trail are already in place and as many as 40 miles may be built by this time next year. Again, this effort demonstrates the interest and commitment of the state and communitities in protecting and highlighting these magnificent river resources.

Finally, I would like to note, in all three capacities in which I am speaking today, that it is a real pleasure to see all levels of government - local, state, and federal - working together, cooperatively and in the same direction, for the protection of these rivers.

Yet, the long-term threats to these free-flowing and strikingly undeveloped rivers are substantial. The City of Concord and other communitites along the river, and the State of New Hampshire, are working to protect the rivers, but they alone cannot do all that needs to be done. The assistance of the federal government, through Wild and Scenic study and, I hope, eventually designation, is essential.

On behalf of the City of Concord, the New Hampshire Rivers Management Advisory Committee, and the Applachian Mountain Club, I urge the committee to support this legislation.

Thank you for the opportunity to testify.

Senator BUMPERS. Thank you very much, Mr. Blackmer, for coming down to be with us.

Ms. Schlesinger.

STATEMENT OF PATRICIA SCHLESINGER, PRESIDENT, PEMIGEWASSET RIVER COUNCIL, NEW HAMPTON, NH

Ms. SCHLESINGER. Thank you, Senator.

Senator BUMPERS. Ms. Schlesinger, pull the microphone up very close to you if you will, please.

Ms. SCHLESINGER. Is that better?

Senator BUMPERS. Much better.

Ms. SCHLESINGER. Thank you, Mr. Chairman.

My name is Patricia Powers Schlesinger and I am Chair of the New Hampton, New Hampshire, Conservation Commission and President of the Pemigewasset River Council, a consortium of officials from nine contiguous river towns. And I speak today to urge your support of S. 1524.

I comment everyone nobly with their efforts to pronounce "Pemigewasset." Even we have difficulty, so we just call it "the Pemi." I should have told you that in the beginning.

The Pemi is actually, the 70-mile Pemi, is the headwaters of the Merrimack, so we really are one and the same.

Senator BUMPERS. They really are essentially one river, are they not?

Ms. SCHLESINGER. That is right.

Senator BUMPERS. One just turns into the Merrimack, is that correct?

Ms. SCHLESINGER. That is right, but up north we do not talk about it that way.

The Pemi watershed encompasses over 1,500 square miles. The story of the Pemi River, a first New Hampshire highway, and its valley is a micro-history of America. The Native Americans and settlers experienced frustration and accommodation, revolution, marginal agriculture, forestry, small water-powered factories.

The migration to the opening American Midwest and enormous New England mills left the valley with the need for an alternative. Fortunately, Luke Brooks looked up one day and caught site of our "Old Man in the Notch" in 1805, and that began a tourist industry to augment a simple and shaky economy.

Today this region of opportunity claims an award-winning scenic interstate highway, lacing a still much-forested river, where nature's physical wonders generate substantial tourism and recreation.

The Pemi River provides a four-season spectacle of winter ice, spring torrents, placid summer, and colorful fall scenes. Class three rapids and lake-like expanses provide water experience for everyone.

But 20 years ago a dead river flowed past our door yards, until our state representative, Tom Uri, took on mills and magnates. The New Hampton 1967 master plan said New Hampton would be a nice place in which to live if it did not smell so badly.

Today endangered birds, including the threatened marsh harrier, bald eagle, and peregrine falcon, inhabit the Pemi inlets and wet-

lands. Trout and bass provide sport, while the Atlantic salmon restoration program raises hopes. Unimagined wildlife habitat and bountiful plant life are only some hours journey from half the population of America.

Four years ago, however, the New Hampton Conservation Commission, fearing that too-rapid seasonal development would deny public access to our river, called the river community together to consider a course to preserve the integrity and wise use of the river and its shorefront.

Town officials of Ashland, Bridgewater, Bristol, Campton, Holderness, New Hampton, Plymouth, Sanbornton, and Thornton, the towns seeking this study, continued to meet and drew up corridor land use measures which we then believed sufficient and presented them to our planning boards.

The local communities tailored these to their needs and most adopted the overlay plan with judicious density, setbacks, and buffers. Ergo, the birth of the Pemi River Council.

We remained naive, though only briefly, learning that town ordinances are somewhat fragile. Under developers' pressures, small towns with transient volunteer officials cannot truly compete on a long-term basis with moneyed professional staff whose interest is short-term for the most part.

Much more would be needed to protect the in-stream flow from enormous pressures. Private commercial interests seeking either unreasonable withdrawals of water or questionable discharges became real, and the imminent threat of a hydro power project to our free-flowing jewel is with us.

An environmental impact study will be completed soon and then the free-flowing river will be lost, possibly forever, to both the resident and transient populations, to accommodate a very minor energy producer.

In addition, the proposal will leave 462 feet of the river dry and impact the renewed Atlantic salmon program. The impoundment will alter the fish life forever and trout that now abound will be eliminated.

Nutrients will be caught in the siltation and again we may face a seriously impaired river. But most importantly, the proposed impoundment area provides a unique combination of several facets of New Hampshire's geological features. The geology of Livermore Falls in Campton is remarkable. Its basaltic trap dikes intrude into the mother granite of New Hampshire.

There are unique pegmatite dikes which dip and strike. Potholes and the rare mineral camptonite, which was first found and identified here, all of this would be in the impoundment, lost.

The New Hampshire legislature passed the rivers protection law you have heard before and the Pemigewasset was one of the six rivers named and we were thrilled. Actually, it was named first and the list was not alphabetical, so that was very encouraging.

We are enthused with another state initiative, the Heritage Trail that Governor Judd Greg recently dedicated. The 230-mile New Hampshire trail is a youth-prepared hiking trail. I like to call it an Appalachian Trail at sea level. And this will be in the corridor of the Connecticut, Pemi, and the Merrimack shorelines from Canada to Massachusetts.

Some river landowners have donated conservation easements with no money involved in some cases, permitting the trail with public access to their properties, adding this to state lands.

But even with state, town, and private initiative, only a designation under the Wild and Scenic Rivers Act will truly guarantee protection to the in-stream flow.

Steven Rice, the Commissioner of the Department of Resources and Economic Development, would like to have a comment made that he remains enthusiastic about the Wild and Scenic study through the length of Franconia State Park. With the new parkway construction and visitors facilities, the park stands out among the premier state parks in the country, and it would be fitting of the Pemi is suitably recognized as also having national prominence.

Mr. LaPage, Wilbur LaPage, who is the Director of the Department of State Parks, Division of State Parks, said that the National Park Service said our Heritage Trail is one of the most innovative greenway projects in America.

The National Park Service has been wonderful to us and helpful with our study, but their study would surely enhance our regional perspective and subsequent designation will forever preclude the threats mentioned before. Then generations may always study the uniqueness and wonders of Livermore Falls and relive the history of Passa Conway or Matthew Thornton, a surgeon for the Crown, but a signer of the Declaration of Independence, Samuel Livermore, who was the attorney general for the Crown, and yet became a U.S. Senator, Nobel laureate Dr. George Whipple and Robert Frost.

We can study them in the same pastoral and wooded setting of those former times.

Daniel Webster, who is said to have plead his first case in Plymouth on the Pemi, wrote in 1846: "It is the beau ideal of a mountain stream, cold, noisy, winding, and with banks of much picturesque beauty." Amazingly, I think he would still find it that way.

This is an opportunity we would hate to lose. Your support of this study, Mr. Chairman, will not only secure the Pemigewasset River in New Hampshire's history, but preserve an inheritance for all Americans.

Thank you, sir. And I want to go on record as thanking our Congressional delegation, all of them, and Governor Gregg for getting us to this point. We are thrilled.

[The prepared statement of Ms. Schlesinger follows:]

PEMIGEWASSET RIVER COUNCIL

Box 552
New Hampton NH 03256-0552

S 1524, Dirksen, 366
24 October 1989

Mr Chairman: My name is Patricia Powers Schlesinger. I am chair of the New Hampton NH Conservation Commission and President of the Pemigewasset River Council, a consortium of officials from nine contiguous river towns, and I speak today to urge your support of S 1524.

> The main stem of the Pemigewasset River emerges from Profile Lake in New Hampshire's Franconia Notch. Its branches cascade from the White Mountains and 20 additional named tributaries make up the 70-mile. Pemigewasset - the mighty headwaters of the Merrimack River in central New Hampshire. The "Pemi" watershed encompasses over 1,500 square miles.

The story of the Pemigewasset River, a first NH highway, and its valley is a micro history of America. The Native Americans and settlers experienced frustration and accommodation, revolution, marginal agriculture, forestry and small water-powered factories. The migration to the opening American Midwest and the enormous New England mills left the valley with the need for an alternative. Fortunately Luke Brooks caught sight of our "Old Man" in the Notch in 1805, and that began a tourist industry to augment a simple and shaky economy. Today this region of opportunity claims an award-winning scenic interstate highway lacing a still much-forested river, where nature's physical wonders generate substantial tourism and recreation.

The Pemigewasset River provides a four-season spectacle of winter ice, spring torrents, placid summer and colorful fall scenes. Class III rapids and lake-like expanses provide water experience for everyone. But twenty years ago a dead river flowed past our dooryards, until our state representative, Tom Urie, took on mills and magnates. Today endangered birds, including the threatened marsh harrier, inhabit the Pemi inlets and wetlands. Trout and bass provide sport, while the Atlantic Salmon restoration program raises hopes. Unimagined wildlife habitat and bountiful plant life are only some hours journey from half the population of America.

Four years ago, however, the New Hampton Conservation Commission fearing that too rapid seasonal development would deny public access to our river, called the riverine community together to consider a course to preserve the integrity and wise use of the river and its shorefront. Town officials of Ashland, Bridgewater, Bristol, Campton, Holderness, New Hampton, Plymouth, Sanbornton and Thornton, the towns seeking this study, continued to meet and drew up corridor land-use measures, which we then believed sufficient, and presented them to our planning boards. The local communities tailored these to their needs, and most adopted the overlay plan with judicious density, setbacks and buffers. Ergo, the birth of the Pemigewasset River Council.

We remained naive only briefly, however, learning that town ordinances are somewhat fragile. Under developers' pressures, small towns with transient volunteer officials, cannot truly compete on a long-term basis with moneyed professional staff whose interest is short-term for the most part. Much more would be needed to protect the in-stream flow from enormous pressures. Private commercial interests seeking either unreasonable withdrawals of water or questionable discharges became real. And the imminent threat of a hydro power project to our free-flowing jewel is with us. An Environmental Impact Study will be completed soon and then the free-flowing river will be lost, possibly forever, to both the resident and transient populations to accommodate a very minor energy producer. In addition the proposal will leave 462' of the river dry and will impact the renewed Atlantic Salmon program. The impoundment will alter the fish life forever and trout that now abound will be eliminated. Nutrients will be caught in the siltation and again we may face a seriously impaired river.

But most importantly, the proposed impoundment area provides a unique combination of several facets of New Hampshire's geologic features. The geology of Livermore Falls is remarkable. Its basaltic trap dikes intrude into the mother granite of New Hampshire. There are unique pegmatite dikes which dip and strike, potholes, and the rare mineral, camptonite, which was first found and identified here.

The New Hampshire Legislature passed a rivers protection law last year and the Pemigewasset was one of six rivers named. We are enthused with another state initiative that Governor Judd Gregg recently dedicated, the 230-mile New Hampshire Heritage Trail, a youth-prepared hiking trail, in the corridor of the Connecticut, Pemi and Merrimack shorelines from Canada to Massachusetts and the sea. Some river landowners have donated conservation easements permitting the trail with public access to their properties adding to State lands. But, even with state, town and private initiatives, only a designation under the Wild and Scenic Rivers Act will truly guarantee protection to the in-stream flow.

A National Park Service study would surely enhance our regional perspective, and subsequent designation will forever preclude the threats mentioned before. Then, generations may always study the uniqueness and wonders of Livermore Falls, and relive the history of Passaconaway; Matthew Thornton, a surgeon for the crown, but a signer of the Declaration of Independence; Samuel Livermore, Attorney General for the crown and US Senator; Nobel Laureate George Whipple; and Robert Frost -- in the pastoral and wooded setting of former times. Daniel Webster, who is said to have pled his first case in Plymouth on the Pemi, wrote in 1846: "It is the beau ideal of a mountain stream: cold, noisy, winding and with banks of much picturesque beauty." Amazingly, I think he'd still find it that way.

Your support of this study, Mr Chairman, will not only secure the Pemigewasset River in New Hampshire's history, but preserve an inheritance for all Americans.

PEMIGEWASSET RIVER COUNCIL
Box 552
New Hampton NH 03256-0552

THE BIRTH OF THE PEMIGEWASSET RIVER COUNCIL or LOCAL COMMUNITIES MAKING A COLLECTIVE EFFORT

The Pemigewasset River (or Pemi), flows about 70+ miles, from its source, Profile Lake in Franconia Notch, to Franklin, where it becomes the Merrimack at the confluence of the Winnipesaukee in Central New Hampshire. The East Branch, from Norcross Pond, in the White Mountain National Forest, runs through Lincoln and joins the main stem at Woodstock (about 18 miles). Some tributaries include the Baker, Beebe, Mad, Smith, Squam and Newfound rivers.

A 1986 Concord Monitor headline screamed across the entire page: "Private Use Shrinks Public Access to Lakes. Landowners' Grip Tightens."[1] A month later, Page One said: "Tougher rules... guidelines intended to protect lakes."[2] The message was powerful and particularly shocking were the two 4-column photos of condominium developments on nearby Newfound Lake used to illustrate the reality of a growing statewide problem.

In the months just before, the New Hampton Planning Board had approved a plan for 350 new homes for this town of 1100; and had before it two more plans: a 101-unit cluster development with 31 individual units 30' apart, planned for Pemigewasset River frontage; and the other, abutting this property, a proposed gravel pit on the river with possible cement plant on 54-acres, and a river wetland roadway. The New Hampshire Wetlands Board denied a permit. But the push was on for intense shoreline development and what of the river itself!

Today, two Pemigewasset River projects awaiting resolution are ominous

1. Livermore Falls Hydroelectric Project: would impound approximately 2[illegible] acres of the river in Campton, and leave 462' of the river dry as its waters are diverted into turbines. The dam application is to produce 9.5 Kw hours when in reality because of the water flow, it will be able to operate only a very few months of the year and will produce 2.5 Kw hours, a minor contribution to the energy picture and one that could be made up with good conservation methods. The trout which abound today in that reach of the river would be eliminated and nutrients in the resulting siltation behind the dam presage a river of the not too distant past. The Atlantic Salmon restoration program would be greatly threatened.

Livermore Falls provides a unique combination of several facets of New Hampshire's geologic features presenting an on-site lab for professors at nearby Plymouth State College and their classes. The geology of Livermore Falls is remarkable. Its basaltic trap dikes intrude into the mother granite

of New Hampshire. There are unique pegmatite dikes which dip and strike, potholes, and the rare mineral, camptonite, which was first found and identified here. All of these would be lost to the impoundment.

2. Bridgewater Power Co: this state-of-the-art plant has requested a permit to discharge hot water into the river. This by-product of their cooling system will contain a myriad of elements which are "harmful to the equipment" (news-quoted company language), so they don't want to run it through their contained system again. The application would also permit "emergency" dumping into the river when their system lagoons are threatened by freezing. Public meetings prior to the original plant construction led everyone to believe "no water would taken from, nor discharge into, the river." Only by virtue of a "deep throat" did the river community learn of this permit which had been in process for a year. A public comment period and hearing now are in the offing for this Environmental Protection Agency and New Hampshire Department of Environmental Services permit.

But a bit of history is appropriate, to understand the local and State commitment to protection of the Pemigewasset River (the Pemi) and its valley.

New Hampton and its neighbors had fought the good fight for the river before and were not about to forget those years between 1948 and 1980. The 1967 New Hampton Master Plan said the town would be a lovely place in which to live, if the ever-present odor were not so bad.[3]

An odor in this idyllic farm, school and residential community? Putrefaction in the Pemigewasset River was evident as gas rose from the water and dead fish and fetid clumps floated steadily in the turbid waters of a dead river caused, for the most part, by effluent from a paper mill forty miles upstream. Gases wafting to shoreline towns caused yellow sulfur drip on houses and peeling paint. And thus began New Hampshire's first river cleanup and eventual efforts toward a phosphate ban. The Franconia Paper Company which began pulp operations in 1900, on the Pemigewasset River in Lincoln, met the battling late Tom Urie, -- and its eventual demise in 1980.[4]

It was a long struggle to rid the river of the "offensive effluent," sewage, chemicals, sawdust, bark and fibers, even though the mill management frankly admitted awareness of plant wastes in the water very early on.[5]

The polluting culprits, however, were actually several and NH's Water Pollution Control Commission had ordered towns to cease discharging untreated sewage into the river and to develop treatment plants, but years elapsed before they were all, in some fashion, on line.[6] In 1957, State Senator Edward J Bennett, then of Bristol, brought in 1200 signed petitions of downstream river community residents, seeking river cleanup and pressures mounted.[7] Tom Urie, representing New Hampton, in New Hampshire's General Court, and Bennett, probably for pragmatic political reasons, agreed to an eventual low classification of the river to accommodate, and indicate their belief in, the good faith of the Franconia Paper Company to do their utmost to relieve the problem. Other violators were also cited. In 1960, 58 individual homes, 6 towns, 5 industries, and a school were notified to "clean up their acts." Yet, the Franconia Paper Company claimed an all out effort to upgrade and control their effluent.

The Ashland Paper Company effluent came into the Pemi through the Squam River, as did that of the Packard Woolen Mill, which switched from acetic acid to sulfuric acid in their process, to lower oxygen depletion which resulted in fish kill. The Ashland mill however could not afford pollution abatement costs and had to close before the town's treatment plant could take care of their effluent. The Lincoln mill remained the Big One.

There was tremendous political pressure to accommodate an industry that was vital to the community north of Concord. It had been traditionally difficult to locate such development and there was an estimated potential loss of 500 jobs in Lincoln if the mill closed.

A variety of solutions were attempted. For one, the plant's effluent was held in treatment lagoons until highwater season, to be gradually released through the winter months. Another was self-contained pre-treatment called the Copeland process. The mill management offered all manner of ploys. They asked for repeated stays, claiming the need to reinvest any profits into new equipment so their product could compete with that of the lower-wage regions of the south.

They claimed a commitment to paying 79% of the town's taxes to upgrade schools and in 1967, they prepared to cut production and staff to 1947 levels to enable them to provide treatment of sulfite liquors in the effluent. Tax abatements were considered to the value of the paper company's cleanup investment until it was alleged the plant was discharging (without permits) bark and chips they claimed to have been recovering. Sentiments in the State bureaucracy of those who had been prone to their direction, were souring. Patience was being strained. State aid to the industry so that it could compete with the rest of the country was threatened.

In 1965, Urie brought in a petition from downstream towns that were becoming impatient, demanding higher river classification (from D to B) and threatening court action. A company official said they needed time "to get our heads above water," and railed against the "self-appointed vigilantes...who used every means to smear and belittle our company."

Through the 60s and 70s the campaign to clean up the river became more organized, and in public hearings over the years, was mounted against the various management groups of the mill. Ironically at a Water Supply and Pollution Control Commission hearing in February 1972, as the consequences of closing the plant were being discussed, Commissioner Arnold York, was rather prescient when he ventured that an alternative to the paper-making industries might prove much worse, if all the lands involved became developed as commercial tourist areas.[1] Resorts were demanding high water quality for their guests and the NH Fish and Game Department reported losing thousands of dollars as their hatchery investments in fingerling stocks were killed off. Reports showed immediate fish kill as far as 16 miles below the mill each time it resumed operations. It was a trying struggle.

The last owner, however, made a sincere effort to design and operate a self-contained nondischarging plant, which turned out be to economically

infeasible, and paper mill operations in Lincoln ceased forever in 1980. Fish life returned to the river and we rested on Urie's laurels.

It hardly seems almost four years since the New Hampton Conservation Commission called a meeting of the riverine community. Twenty-seven town officials from 13 towns on the Pemigewasset River from Franklin to Lincoln were invited (35 came) to discuss a unified plan to insure the integrity of the Pemi, its wise use, water quality, shorefront naturalness, the very character of the river corridor which is in the ultimate battle for survival. The enthusiasm was electrifying. Conservation easements were discussed as a protective policy; varying permitted activities, uniform setback for structures, and frontage requirements were some of the ideas we would explore as a group.

The recipe for an organization seemed to have been: a good handful of real problem with a dash of fear, and a dozen Types A!

Much happened in the first year. A core group met regularly representing a variety of New Hampshire's interests: a regional planner, a selectman, planning board members, conservation commission members, private citizens, a river property owner, a college professor, a developer, a farmer, a naturalist, a pollution control expert, a large lake association director, a welfare worker, a journalist, and an ungainfully overemployed housewife.

"No need to reinvent the wheel" was the first major decision, after management plans from six river groups were obtained and studied by each member. We sought help from the Lakes Region Planning Commission, New Hampshire's Office of State Planning, Belknap County Conservation District and the US National Park Service Rivers Coordinator in Philadelphia, who supplied each town with two excellent books on river protection.

The goals were determined and a continuing public relations program spread our aims through the communities. We solicited views of each town's Planning Board, Conservation Commission, Selectmen, as well as from river users, residents, landowners, business and sports people. They brought their town's perspective to our deliberations: description of the river, terrain and current usage. Historical information was helpful in formulating the plan and the basis for a future slide presentation.

The concept of the Saco River Plan was adopted; a corridor 500' from the high-water level of the river on each side, except 1000' in floodplain, would become a protected zone, whose restrictions would be submitted to each town's planning board. The zoning ordinances of nine Pemigewasset River towns were reviewed and pertinent data computerized to arrive at highest standards.

To work for the best advantage of individual towns, landowners and the public, it was important to stress a long-range plan that would promote and preserve select areas for generations to come. A Master Plan statement and Model Overlay Plan prepared.

Spreading the word was important for speedy resolution. A volunteer public relations effort was vital and local newspapers cooperative: The

Enterprise Press (Bristol), The Record-Citizen (Plymouth), The Meredith News and Laconia's Evening Citizen.

We felt the warm air on our necks, and set out for Town Meeting 1987! Several towns were still feeling the stinging affront of the New Hampshire Public Utilities Commission to one river town's zoning ordinance. Though many towns had participated in action against a proposed biomass plant on river frontage in Bridgewater, today its stack rises above the river valley.[9]

Two years of frustration led the Town of Ashland to swift acceptance of the Pemi Overlay Plan. Four months later at regular Town Meetings, five towns followed suit. Plymouth, in its enthusiasm, hoped to get two for one and included the Baker Valley (a Pemi tributary) in its proposal but that was too much. Separated measures were successful the next year. Minimum objectives of the Pemi Overlay Plan are at Appendix B.

It's not been easy paddling and frustrations abound. Woodstock and Lincoln (the gap in the river study) are not participants. Unfortunately power and financial interests are already too well entrenched. However, many attempts were made to engage them.

Franklin has joined in the Merrimack effort and Hill and Sanbornton, are a special category.[10] Their "shorefront" is part of the US Corps of Engineers Franklin Falls Control area. In addition to its being steep for the most part, the plain is a desolate expanse which is submerged at times under 73 feet of water. Sanbornton's flood area is a virtual wildlife preserve and the town is a very active participant in the Council.

Over 1000 photo slides permits scripts and slides tailored to groups and towns up and down the valley, civic groups, clubs, and schools at all levels. The Council is registered with the Secretary of State's Corporate Division, and has Federal nonprofit tax status. We are very much nonprofit in that $10 memberships cover only a newsletter to the communities, The Pemi Saver. All other goods and services are donated by the participating town representatives.

However, a more formalized regional protection management plan is needed as the threats become more formidable at each turn. And even though coordination in the Corridor appears more direct and effective within the Pemi River Council (PRC) at this point, we cannot guarantee a free-flowing river without federal assistance.

The solution now seems to be a National Park Service study of the river for which the Selectmen sought Congressional action through an amendment to the Wild and Scenic Rivers Act of 1989, with possible wild, scenic or recreational status for certain designated sections. During the study, a moratorium on projects that would alter the river's free-flowing state or outstanding values would be in effect.

The river's special features include both Livermore and Sawhegenit Falls, eskers and granite outcroppings; some formidable class III rapids and yet placid reaches, dense forests, agricultural lands, wetlands with countless

flora including protected and restricted wildflowers, and vast flood plains rich in alluvial soils, both of which serve as flood safety valves. The corridor is habitat for a myriad of mammals, fish (successful beginnings of an Atlantic Salmon restoration program) and birds, including the threatened Marsh Harrier, Bald Eagle, Peregrine Falcon and American Bittern.

A greenway along the river to the extent possible including protection of the existing forest quality, will be important to the aesthetic character of the river. PRC urges a reasonable balance between open space and forest. We want to ensure ample public access for those able and wishing to do so, and to identify and protect views and vistas, "viewsheds"-- not only from its shoreline, but from the public roadways which parallel some of the river's course. PRC is extremely pleased with Governor Judd Gregg's new Heritage Trail, a 230-mile hiking trail, from Canada to the Massachusetts border, along the Connecticut, to the Pemi and Merrimack Rivers, a portion of which has been formally opened. Some private river landowners have donated conservation easements (land remains in private ownership) permitting the trail with public access to their properties adding to public lands already available.

The New Hampshire Rivers Campaign, a nonprofit river protection organization, proposed legislation barring any new permanent roadways within 125' of the river and they were the impetus behind last year's successful legislation brought forth the Rivers Management Advisory Commission and named the Pemi as one of six rivers in NH worthy of protection.

The council looks forward to coordinating a Study Task Force of additional representatives of the nine towns with the National Park Service. And we look forward to full cooperation with the Merrimack River Coordinating Council.

Through the years, the council has been asked to comment on pending projects for planning boards, realtors, developers and individuals and the New Hampshire Association of Conservation Commissions newsletter and the Merrimack Council "River's Reach" periodical have afforded favorable acknowledgement. Requests for our overlay design and slide programs have come from Massachusetts and Vermont as well as New Hampshire.

The PRC has submitted public comments on a dredge and fill application before the NH Wetlands Board and the US Corps of Engineers (Waltham, Mass) 404 Permit. Our engineer member reviewed the project and reports made. Unfortunately, we lost. The project resulted in a river diversion, channeling and riprap for a man-enhanced lake in a gravel pit for a private condo development. Some of the proposed work was necessary to protect the new housing from an onslaught of the river....houses which should most likely never have been built on the site in the first place.

The Council has continued to participate in the Joint Review Committee of a proposed Loon Mountain Corporation expansion plan in Lincoln on the Pemi's East Branch and was among the groups asking for an Environmental Impact Study now being supplemented. A recent NH Attorney General's opinion called the proposed water withdrawals for snowmaking and municipal supply to be unreasonable and requiring legislative action.

Cumulative effects of diversion, revetment construction and filling of river wetlands are an important consideration for towns below a project. A former Plymouth Civil Defense Director cautioned us and the Wetlands Board two years ago, that flooding conditions have become more frequent and dangerous in the past few years and it is likely that just a couple of permitted activities may be heavily responsible for exacerbating the affects of two floods in five years; instead of the usual one in ten. A spring freshet some time ago cut off an ox bow in the Holderness flood plain and another attempted the same two years ago. The Plymouth State College's Field House and playing fields were constructed there.

Revetments keep ice floes from low-lying plains and they instead now travel farther downstream to do their harm. One home repeatedly has ice blocks as large as autos on the front porch. Filling river wetlands precludes "flood safety valves."

Education continues to be a crucial element in successful land and water-use management. A systematic plan of public relations to further community understanding of the issues involved in the improvement and preservation of the Pemigewasset River environment are imperative.

Why do we worry so about the Pemi? From what heritage have we come?

Prior to the past 200 years, changes in the Pemi Valley were made mostly by nature. The glacial ice sheet withdrew, leaving many ponds and lakes, one of which, Profile Lake, is the source of the Pemi where it quietly begins its exciting run to the Merrimack and the Atlantic.

The Native Americans before us rarely left anything but footprints; they spared the White Mountains entirely as they lived in fear of them. Mount Washington was the happy-hunting grounds. Their heritage lies in the names with which we all struggled on arriving: Passaconoway, the great chief of the Pennacooks, Kancamagus, Winnipesaukee, Sawhegenit, and Pemigewasset (crooked mountain pine place). Of special interest on the Pemi is the Long Carrying Point, a bypass which the Native Americans used to get around the rapids.

The first colonial venturers came on horseback, canoe and foot and were bedazzled by the primeval forests. They had come from largely deforested 17th Century Europe and they found 6,000,000 acres of forested land. The valley was a canopy of incredible green. Fish were plentiful in the river: salmon, sturgeon, eel. Farming was on a subsistence level; the alluvial lands along the river saw only the plow and the cow. Forests were cleared for village sites but settlers had to guarantee all white pine, 12 inches in diameter, for the King's ships masts. The Royal Governor saw to it that his family and friends were given ample land grants and some of their names we have today: Wentworth; Livermore, Attorney General for the King, and later US Senator; and Thornton. Dr Matthew Thornton was a surgeon in the King's army, and eventually, one of the three NH signers of the Declaration of Independence.

The Pemigewasset River valley is an interesting study of America's industrial development. In the early nineteenth century the farmers could not

compete with the vast acreage in the newly-opened West where farm-to-market roads were built to bring the larger crops to the east. So many New Hampshire people moved out to those open spaces.

And New Hampshire industry changed also. From 1820 for another 60 or more years, small manufacturers cropped up along fast-moving tributaries of the Pemi where waterpower was being harnessed. Mills, grist and saw, pulp and paper, crutches, shoes, tanneries, gloves, leather, wool and wood working became the livelihood of many of our valley towns. The terrain between Lincoln and North Woodstock, which was not suitable for farming, became the "longest sawmill" in the world; often 150 or more men were in the woods taking lumber for the mills in Lowell each day. Many farms were abandoned; again a population draw down occurred as larger factories drew the women from hand wool carding, traditional stitchery and quilting to Manchester and Lowell.

In 1805, however, Mother Nature gave NH a little boost. Luke Brooks, while filling pails in a lake at Franconia Notch, looked up to find the Old Man 1200' above the notch. Visitors came to see this phenomenon and to enjoy the green of the Pemi valley and the air of the White Mountains. Roads and rail lines were expanded to accommodate the influx of visitors and second-wave settlers. A narrow-gauge steamcar line soon made the trip up the valley with enviable vistas of the Pemi. Cabins and hotels began "springing up like mushrooms," wrote Eunice Halfmann in "Clothespins and Calendars," about North Woodstock. Tourism was becoming a big money-maker while as early as the 1840s the locals were bemoaning the arrival of "the flatlanders."

The Atlantic salmon have been successfully reintroduced to the river and the US Fish and Wildlife Service has reported adult fish have been radio-tracked above Livermore Falls in Campton. This achievement will be a boon to local sportsmen....and developers alike. A big signal that all is really well in Pemi land!

However, no man is an island and what comes out of the Pemi is the Merrimack. What happens upstream affects all towns below and oversettlement of river frontage in one town has tremendous water quality implications for the others.

Today's river activities impact both man and wildlife for the next generations. A National Park Service study of the river and subsequent designation will guarantee the nine Pemigewasset Council towns' goals of high water quality of the Pemi River and the wise use of the Pemi Valley's shorefront for the future. The towns' participation and enthusiasm is best exemplified by the Campton Selectmen who wrote "nothing should stand in the way of the National Park Service study of the river," in spite of the fact they were the one town to gain in a financial manner from a pending in-stream project.

A wild and scenic study and designation will not only secure the Pemigewasset River in New Hampshire's history, but preserve an inheritance for all Americans.

26-387 O - 90 - 7

NOTES

[1]Concord Monitor, September 24, 1986, page 3.
[2]Ibid., November 18, 1986, page 1.
[3]Master Plan for The Town of New Hampton, Hans Klunder Associates, Hanover:1967
[4]H. Thomas Urie, National Wildlife Federation Conservation Legislator of the Year, 1967, was a 26-year representative to the New Hampshire General Court from New Hampton and Center Harbor, commencing in 1946. He is credited with spearheading the first statewide effort to clear New Hampshire's polluted waters of industrial, septic, and phosphate effluent. His attempt to effect a phosphate ban to protect the state's lakes from algae bloom was not successful; however, he originated the law putting a cleanup timetable on the river, giving state aid to municipalities and subsequent increases for sewage treatment facilities. A river overlook at a new bridge (Rt 104) over the Pemigewasset River in New Hampton will be named in his memory.
[5]Minutes, State of New Hampshire Water Supply and Pollution Control Commission, October 9, 1957 - December 13, 1978.
[6]NH Water Pollution Control Commission became the Water Supply and Pollution Control Commission and now WSPCDiv of the Department of Environmental Services.
[7]Former State Representative from Bridgewater and Ashland NH, and formerly owner-editor of the Bristol Enterprise and Claremont Eagle.
[8]Minutes, NH WSPCC, February 1972.
[9]A biomass plant has been approved in Alexandria with a diversion from the Smith River.
[10]Franklin lies at the confluence of the Pemigewasset and Winnipesaukee Rivers, the source of the Merrimack.

BIBLIOGRAPHY

The Conservation Foundation, A Citizen's Guide to River Conservation. Washington DC, 1984.

NH Water Resources Action Project, Tools for Community Water Supply Protection, Concord NH, 1985.

NH Natural Resources Forum, How Clean New Hampshire's Waters. Concord NH, 1983.

NH Water Supply and Pollution Control Commission, Commission Minutes. Concord NH, October 9, 1957-December 13, 1978.

Barstow, George, History of New Hampshire, I S Boyd, Concord NH 1842.

Belknap, Jeremy, History of New Hampshire, (by John Farmer, Vol 1, Dover: S C Stevens and Ela Wadleigh, 1831.

Foss, Emma, Stage Coach Days in Plymouth, Concord NH, 1921

Greenwood, Charles, History of Bristol 1819-1969, Bristol NH.

Hunt, Elmer Munson, New Hampshire Town Names, Peterborough NH: Noone House, 1970.

Kilbourne, Frederick W, Chronicles of the White Mountains, Bowie MD: Heritage Books, 1978.

Meader, J W, The Merrimack River, Boston: B B Russell, 1871.

Merrill, Pauline Swain, et al., A Small Gore of Land, New Hampton NH, 1977.

Pillsbury, Hobart, New Hampshire, A History, Vol 1, Lewis Historical Publ, NY, 1927.

Squires, J Duane, The Story of New Hampshire, Princeton NJ: Van Nostrand, 1964.

Thoreau, Henry David, A Week on The Concord and Merrimac Rivers

APPENDIX A

PEMIGEWASSET RIVER COUNCIL

Box 552
New Hampton NH 03256-0552

COUNCIL GOALS

1. Implement a long-range corridor management plan to preserve, protect and promote the integrity and naturalness of the Pemigewasset River and its forested/open shoreline.

2. Prepare a plan for the wise use of a river corridor to the best advantage of individual towns, landowners, the public, and posterity.

3. Propose resource protection, limited residential and general development districts for the river. Identify points of historic interest.

4. Set justifiable limits on land use (setbacks and density) to protect open space, wetlands, flooodplains, steep slopes, aquifers and recharge areas.

5. Identify and protect views and vistas along the river and from public roadways.

6. Identify potential sites for public access to the river and promote their use/acquisition.

7. Promote and improve water quality through a continuing monitoring program.

8. Coordinate activities with the Planning Boards and Conservation Commissions of the towns fronting on the River.

9. Develop an environmental education program to achieve these goals.

The overlay zoning plan for the proposed corridor (500 horizontal feet from the river shoreline, except in flood plain, where it is 1000') would supersede whatever districts and regulations a town might have in place in its zoning ordinance. A Planning Board would not have to redo its zoning ordinance to accommodate the Pemi Plan, but would overlay the plan on their existing ordinance, just as they might a wetlands ordinance.

APPENDIX B

PEMIGEWASSET RIVER COUNCIL

Box 552
New Hampton NH 03256-0552

PEMIGEWASSET CORRIDOR PLAN:

MODEL OVERLAY SPECIFICS FOR ZONING ORDINANCES

OVERLAY ZONE ON RIVER: This district provides protection for the environmentally sensitive corridor along the Pemigewasset River, 500 feet from the riverfront on each side, except in flood plain, 1000 feet, on each side.

MINIMUM RIVER LOT SIZE (per single dwelling unit)	2 acres
Slopes and soils	Yes
WATER FRONTAGE (minimum)	200 feet
BUILDING HEIGHT (maximum)	35 feet
STRUCTURE SETBACK (from river)	200 feet, horizontal distance
INDUSTRIAL PARKS	
STRUCTURE SETBACK (from river)	500 feet
Buffer with screening	
SEPTIC SETBACK (from river)	125 feet
FLOOD PLAIN RESTRICTIONS	Yes
MOBILE HOME RESTRICTIONS	Foundation
FUNNEL DEVELOPMENT	
Minimum frontage	200 feet, first unit
Frontage per unit	20 feet additional
MOBILE HOME PARKS	Prohibited
RECREATION CAMPING PARK	
Minimum area	5 Acres
Landscaped buffer along river	75 feet, horizontal
SIGN RESTRICTIONS	No offsite
Size	8 sq ft
Height above grade	10 feet
Indirect lighting only	Yes
Animated signs	Prohibited
JUNKYARDS	Prohibited
EARTH EXCAVATION	Prohibited
SPECIAL REGULATIONS	
Structures in setback	Prohibited
Construction on slope, 15%	Prohibited
Diversion of River	Prohibited

Senator BUMPERS. Thank you very much, Ms. Schlesinger.

Is it fair to say, Ms. Schlesinger, that all the communities or virtually all the communities up and down these two streams favor this legislation?

Ms. SCHLESINGER. The communities of course that have applied for the study, yes. But we have two communities on the river that will not be included. That is the gap, as you will see on the map there. That is the towns of Woodstock and Lincoln, who chose not to go along with the study.

Senator BUMPERS. Well, they have been excluded, have they not?

Ms. SCHLESINGER. That is correct, they are not in the study area.

Senator BUMPERS. How many dams are there on the Merrimack, for example?

Ms. SCHLESINGER. Oh, let us see. On the Merrimack? Perhaps you better answer that,

Mr. BLACKMER. In the study stretch there are none.

Senator BUMPERS. None?

Mr. BLACKMER. None.

Senator BUMPERS. How about the Pemi? Are there any dams on that?

Ms. SCHLESINGER. On the Pemi we have none, either.

Senator BUMPERS. None?

Ms. SCHLESINGER. No. We have one—there is one on the Pemi, but not in the study area. The study area is totally free-flowing.

Mr. BLACKMER. There are a number downstream.

Senator BUMPERS. Where is the one on the Pemi that is not in the study area?

Ms. SCHLESINGER. It is south of the study area about five miles.

Senator BUMPERS. Around New Hampton?

Ms. SCHLESINGER. New Hampton and Bristol. I think that you have a picture there that would show you the impoundment, show you where the study—see the large picture with the big green hills. It looks mostly just big green. Do you see the bridge, the 104 bridge, the end of the study area next to the campground?

Senator BUMPERS. Yes.

Ms. SCHLESINGER. Below that, continuing beyond, is where the dam is.

Senator BUMPERS. How long is that area there between the two rivers that's not under study? Five miles, did you say, that there would not be study?

Ms. SCHLESINGER. Between the two rivers?

Senator BUMPERS. Yes.

Ms. SCHLESINGER. No, I would say there would probably be twelve miles, because there is that dam and then there is a Franklin Falls control dam that is a large flood control area, and that is in the hands of the Corps of Engineers. However, it is administered by the State of New Hampshire for recreation purposes.

And actually, the National Park Service was so enthused with that area that they were going to try to seek some special designation for that area. It has a wonderful wildlife preserve. It is just marvelous, spectacular.

And yet, the trees there are under 73 feet of water every once in a while, once every few years.

Senator BUMPERS. How much?

Ms. SCHLESINGER. Under 73 feet of water. They moved a whole village from that river bank between Sanbornton and Franklin and moved it up a hillside, lifted it up physically.

Senator BUMPERS. Now, this salmon project, how do the salmon deal with those dams?

Ms. SCHLESINGER. Not very well, but they have put in some ladders that are enabling them. However, the salmon have been released in the Pemigewasset now above the dams and they have been radio-tracked in the Pemigewasset going over Livermore Falls. They jump Livermore Falls. They have been seen there and have been radio-tracked.

But I believe on the Merrimack they have several systems.

Mr. BLACKMER. There are a number of fish ladders that have been installed. The system of fish ladders is not yet complete, but it has made a hell of a lot of progress.

Senator BUMPERS. Was this formerly a salmon spawning river?

Ms. SCHLESINGER. Yes. One of the miracles of nature, and Daniel Webster writes of this, the salmon and the shad would come up the Merrimack River and when they reached Franklin somehow the shad all knew to go to the right, to the Winnipesaukee River, and the salmon went north on the Pemigewasset.

Senator BUMPERS. Nobody could explain that?

Mr. BLACKMER. Nobody that I know.

Senator BUMPERS. Well, we do not understand ourselves very well, so I guess we could not expect to understand why fish do things.

Well, I feel certain that this legislation will receive favorable approval here. It is a study. It ought to be studied, and we will see what the results are.

Ms. SCHLESINGER. Thank you.

Senator BUMPERS. We appreciate your interest in this.

I have been advised that there are some people who are not rhapsodic about this legislation and therefore the record will be kept open for 2 weeks to allow people who wish to to submit written comments to this subcommittee.

I thank you again for taking the time to be here.

Ms. SCHLESINGER. Thank you, sir.

Mr. TARDIF. Senator Bumpers, we came down today in opposition.

Senator BUMPERS. Are you the gentleman that Senator Rudman called me about?

Mr. TARDIF. Yes, and we only learned about the hearing today over the weekend, and we would like to make a few comments if we could.

Senator BUMPERS. Well, I would like to do that, except we have to live by some rules around here. As I pointed out to Senator Rudman, this witness list has been finalized for some time.

We would be happy to receive your opposition, and I promise you it will receive consideration. And if you would like to make your comments to staff, I will provide staff for you this afternoon to visit with.

Mr. TARDIF. I appreciate it.

Senator BUMPERS. We will stand in recess subject to the call of the Chair.

[Whereupon, at 4:48 p.m., the subcommittee was recessed, subject to the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

JUDD GREGG, GOVERNOR

1989 OCT 27 PM 3:16

October 23, 1989

Senator Dale Bumpers
Subcommittee on Public Lands, National Parks, & Forests
Dirksen Office Building
Room 308
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing in support of S.1524 and S.1026 authorizing the National Park Service to prepare Wild and Scenic River studies of the Pemigewasset and Upper Merrimack Rivers in New Hampshire. The local support for this legislation has been clearly demonstrated. Further, these studies will be extremely valuable to the development of the New Hampshire Rivers Management and Protection Program. Both rivers have been identified for priority consideration under this state program.

It is my understanding that Wild and Scenic River study authorization for the Pemigewasset River will not affect the proposed expansion of the Loon Mountain Ski Area in Lincoln, New Hampshire. Instead, the National Park Service will rely upon the analysis, permitting, and mitigation conducted and required by the U.S. Forest Service and other Federal and state agencies involved in the on-going environmental impact study process.

Clearly, the Pemigewasset and Upper Merrimack Rivers are two of the crown jewels in New Hampshire's natural environment. I appreciate your consideration of this legislation and anticipate your favorable action.

Sincerely,

Judd Gregg
GOVERNOR

JG:p

STATE HOUSE • CONCORD, NEW HAMPSHIRE 03301-4990 • TELEPHONE: 603-271-2121

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

JUDD GREGG, GOVERNOR

May 1, 1989

Senator Warren Rudman
531 Hart Senate Office Building
Washington, DC 20510

Re: Federal Study of Merrimack River

Dear Warren:

I support your efforts introducing legislation which will direct the National Park Service to study the segment of the Merrimack River from its confluence in the City of Franklin downstream to the backwater impoundment of the Hooksett dam excluding the Garvins Falls impoundment and dam.

As you know, the State of New Hampshire is presently in the process of studying the Merrimack and anticipates completing its work in the fall. The work being contemplated in the National Park Service effort should complement and enhance the State's efforts.

Thank you for your continuing efforts on behalf of the State of New Hampshire.

Sincerely,

Judd Gregg
Governor

JG:DGS/da

cc: Sue Stahl, Concord Office

City of Concord, New Hampshire
CITY HALL • 41 GREEN STREET
CONCORD, N. H. 03301

JAMES R. MACKAY
MAYOR

January 11, 1987

The Honorable Warren B. Rudman
United States Senate
530 Hart Senate Office Building
Washington, D.C. 20510

Dear ~~Senator Rudman~~: Warren -

The Concord City Council respectfully requests your assistance in adding the central portion of the Merrimack River to the National Wild and Scenic Rivers Act for study and possible inclusion into the national system.

As you may be aware, the City Council appointed a River Study Committee early in 1987 to study use and protection of the river after a project which would have impounded the Merrimack at Sewalls Falls in Concord was shelved. Realizing that the proposed dam would have permanently inundated a magnificent natural resource in an urbanizing state, the City Council moved to take steps to permanently protect this resource. The Merrimack River Corridor Coordinating Committee, which was formed, represented a broad range of Concord people with interests in the river corridor. The Committee's activites, however, soon attracted interest from communities both north and south of Concord.

Citizen and political support has now solidified around efforts to protect the river in the entire central New Hampshire area. The committee determined that addition of the Merrimack River to the National Wild and Scenic Rivers Act would be the best possible opportunity for a formal study of the outstanding resources of the Merrimack River and for providing a basis for future planning in the river corridor.

This request is made by the City of Concord on behalf of itself, the City of Franklin, the Town of Northfield, the Town of Canterbury, the Town of Boscawen, the Town of Bow, and the Town of Pembroke. Each of these communities has formally endorsed this study in writing through their legislative bodies, and copies of their letters of support are enclosed.

We hope for your support and assistance in adding the Merrimack from Franklin to the Hooksett Dam to the federal act so that the proper study can be accomplished. We know that you are aware of this

magnificent resource. Your support in this effort is critical to the future of the river and to those who live along it. Thank you for your assistance.

Sincerely,

James R. MacKay
Mayor

j

enclosures

cc: Merrimack River Corridor Coordinating Committee

TOWN OF BOSCAWEN

RFD 5. Box B
PENACOOK. NEW HAMPSHIRE 03303
OFFICE 603-796-2426

March 26, 1987

Merrimack River Corridor Coordinating Committee
Louis Ungarelli, Secretary
Concord Public Library
45 Green Street
Concord, NH 03301

Dear Mr. Ungarelli,

Thank you for forwarding to us the minutes of your meeting. Due to scheduling we have been unable to attend your meetings but would like you to know the Selectmen support your efforts and will assist you in any way we can. Please feel free to contact us at any time.

Sincerely,

Boscawen Board of Selectmen

Douglas R. Supry

Rick A. Trombly

David R. Flourde
Chairman

bk

TOWN OF BOW

Office of the
Selectmen
228-1187

10 Grandview Road
Bow, New Hampshire 03301

May 26, 1987

Representative Judd Gregg
N. H. Highway Hotel
Concord, N.H. 03301

Dear Congressman Gregg:

The Board of Selectmen of the Town of Bow endorses the efforts of the Merrimack River Corridor Coordinating Committee to obtain Congressional authorization for a wild and scenic rivers program study of the Merrimack River, including that segment that lies in Bow. It is recognized that the Merrimack River and its corridor contains many outstanding and important resources, both natural and man-made. There is a definite need to plan for the future of these resources and how they will be used, and for that planning to be done by the cities and towns that share the river. The Town of Bow looks forward to joining the other communities on the Merrimack River in this study, and we intend to actively participate in this effort.

Sincerely,

Sara H. Swenson

Eric E. Anderson

Alfred H. Ward

BOARD OF SELECTMEN

cc: Timothy Woodman
Merrimack River Corridor
Coordinating Comm.
54 Portsmouth St.
Concord, NH 03301

OFFICE OF SELECTMEN

CANTERBURY, N. H.

May 25, 1987

Mr. Timothy Woodman, Chairman
Merrimack River Corridor Coordinating Committee
Concord Public Library
45 Green Street
Concord, N. H. 03301

Dear Mr. Woodman:

The Town of Canterbury endorses the efforts of your Committee to obtain Congressional authorization for a wild and scenic rivers program study of the Merrimack River, including the segment of the river that lies within Canterbury. It is recognized that the Merrimack River and its corridor represents many important and outstanding resources, both natural and man-made. There is a definite need to plan for the future of these resources and those who use them, and for the planning to be done by the cities and towns that share the river.

We look forward to joining with you and the other communities on the river in this study, and intend to actively participate in these efforts.

Sincerely,

Chairman

Canterbury Board of Selectmen

kd

CITY OF FRANKLIN, NEW HAMPSHIRE

A Friendly City on the Move 03235

OFFICE OF Mayor

June 2, 1987

The Honorable Judd Gregg
United States Congress
N.H. Highway Hotel
Fort Eddy Road
Concord, NH 03301

Dear Congressman Gregg:

The City of Franklin endorses the efforts of the Merrimack River Corridor Coordinating Committee to obtain Congressional authorization for a wild and scenic rivers program study of the Merrimack River, including that segment of the river that lies within Franklin.

It is recognized that the Merrimack River and its corridor represents many important and outstanding resources, both natural and man-made. There is a definite need to plan for the future of these resources and those who use them, and for the planning to be done by the cities and towns that share the river.

We look forward to joining with you and the other communities on the river in this study and intend to actively participate in these efforts.

Respectfully,

Mayor Chester A. Wickens, Jr.

CAW/ba

cc: Timothy Woodman
Committee Chairman

TOWN OF NORTHFIELD
21 SUMMER STREET, NORTHFIELD, N. H. 08276
OFFICE OF: SELECTMEN

June 26, 1987

City of Concord
Merrimack River Corridor Coordinating Committee
Joe Quinn
256 North State Street
Concord, N. H. 03301

Dear Mr. Quinn:

The Board of Selectmen of the Town of Northfield endorses the efforts of the Merrimack River Coordinating Committee to obtain Congressional authorization for a wild and scenic rivers program study of the Merrimack River, including that segment of the river which lies in Northfield. It is recognized that the Merrimack River and its corridor contains many outstanding and important resources, both natural and man-made. There is a definite need to plan for the future of these resources and how they will be used, and for that planning to be done by the cities and towns that share the river. The Town of Northfield looks forward to joining the other communities on the Merrimack River in this study, and we intend to actively participate in this effort.

Very truly yours,

Board of Selectmen
Town of Northfield

TOWN OF PEMBROKE

4 UNION STREET PEMBROKE, NH 03275

June 4, 1987

RECEIVED

JUN 8 1987

CONG. JUDD GREGG
CONCORD OFFICE

The Honorable Judd Gregg
U. S. House of Representatives
N. H. Highway Hotel
Concord, N. H. 03301

Dear Mr. Gregg:

The Board of Selectmen of the Town of Pembroke endorses the efforts of the Merrimack River Corridor Coordinating Committee to obtain Congressional authorization for a wild and scenic rivers program study of the Merrimack River, including that segment that lies in Pembroke. It is recognized that the Merrimack River and its corridor contains many outstanding and important resources, both natural and man-made. There is a definite need to plan for the future of these resources and how they will be used, and for that planning to be done by the cities and towns that share the river. The Town of Pembroke looks forward to joining the other communities on the Merrimack River in this study, and we intend to actively participate in this effort.

Very truly yours,

BOARD OF SELECTMEN

Daryl Borgmeni, Chairman

Harold Paulsen

Roy E. Annis

ir

THE SECRETARY OF THE INTERIOR
WASHINGTON

June 27, 1989

Honorable Gordon Humphrey
United States Senate
Washington, D.C. 20510

Dear Senator Humphrey:

We are pleased to respond to your letter of April 10 from the New Hampshire delegation and Governor Gregg regarding possible legislation for the Pemigewasset and Merrimack Rivers.

At my request, the Director of the National Park Service has prepared the enclosed memorandum in response to your concerns.

We see no reason why wild and scenic study authorization, in and of itself, should affect possible expansion of the Loon Mountain Ski Area, or the timing of such a potential project.

A similar letter is being sent to the other signatories that cosigned your letter.

Sincerely,

Manuel Lujan Jr.

Enclosure

United States Department of the Interior

NATIONAL PARK SERVICE
P.O. BOX 37127
WASHINGTON, D.C. 20013-7127

IN REPLY REFER TO:

A3815(190)

JUN 5 1989

To: The Secretary

Through: Assistant Secretary Fish and Wildlife and Parks JUN 26 19

From: Director, National Park Service

Subject: Pemigewasset and Merrimack Rivers

We have reviewed the April 10 letter from the New Hampshire delegation and Governor Gregg.

According to their letter, the ski area is located several miles upstream from the proposed study segment. If Congress designates portions of these rivers for study by the Service, Section 7 of the Wild and Scenic Rivers Act would become applicable. Section 7 provides, in part, that

> "... no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have direct and adverse effect on the value for which such river might be designated, as determined by the Secretary responsible for its study...."
>
> "Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present...."

If the proposed ski expansion represents a water resource development project, involving removal of river water for snowmaking purposes, the protections, provided by Section 7 to study rivers, would be triggered. Secretary of the Interior evidently would be responsible for conducting the wild and scenic river study, and, therefore, would be responsible for making the determination as to whether ski area expansion would result in an adverse impact on the study segment. The moratorium on Federal actions adversely affecting the study river would last during the course of the study and would extend for an additional 3 years after the President sends the study report and his recommendations to the Congress.

The Summary of the Draft Environmental Impact Statement for the Loon Mountain Ski Area, which was prepared by the Forest Service and which was enclosed with their letter, shows that the impact of the proposed action on downstream water quantity and quality has been evaluated. The conclusion concerning anticipated impact is that through appropriate mitigation measures (minimum releases) downstream adverse impacts can be avoided.

Answering two questions in reverse order in which they were asked, the National Park Service would rely upon the analysis, permitting, and mitigation conducted and required by the Federal agencies mentioned in the letter. These agencies not only have the professional capabilities to make the necessary analyses, but they have an official responsibility not to grant the necessary permits until they are satisfied that adverse environmental impacts will not result. In response to the first question, the only way an authorized wild and scenic river study would affect the proposed Loon Mountain Ski Expansion would be if the analyses of the Federal agencies mentioned in their letter indicated there would be an unmitigated adverse impact on natural values of the river in the authorized study segment. In that case, the awareness of an adverse impact should result in denial of the necessary permits during the study period.

STATE OF NEW HAMPSHIRE
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
OFFICE of the COMMISSIONER

603 271-2411

GEORGE C. JONES
Commissioner

105 Loudon Road
Box 856
Concord, N.H.
03301-0856

December 27, 1988

Patricia P. Schlesinger, President
Pemigewasset River Council
Box 1552
New Hampton, NH 03256-0552

Dear Ms. Schlesinger:

This will acknowledge your letter of December 5th informing us that the National Park Service is seeking through Congress a study of the Pemigewasset River under the Scenic Rivers Act.

We would be pleased to have them add Profile Lake and the northern main stem to their request.

If this office can be of further assistance regarding this matter, please feel free to contact me.

Sincerely,

George C. Jones
Commissioner

GCJ:kc
cc: Wilbur F. LaPage, Director of Parks and Recration

Town of Ashland

NEW HAMPSHIRE 03217

Ack-
acknowledge
receipt

August 26, 1987

Senator Warren Rudman
125 North Main Street
Concord, NH 03301

Re: Pemigewasset River

Dear Senator Rudman:

Recently, the Ashland Board of Selectmen voted unanimously to endorse a National Park Service study of the Pemigewasset River from Thornton to Bristol in order to determine the appropriateness of a Congressional designation of the river as a National Scenic River. Moreover, the Ashland Conservation Commission wholeheartedly endorses the study.

The citizens of Ashland consider the Pemigewasset River one of its most important natural resources. As you may know, the Town has recently enacted protective land-use controls along the River.

Citizens of the community look forward to working with representatives of the National Park Service in the preparation of the study.

We, therefore, request your assistance in securing approval for the study.

Very truly yours,

Raymond E. Marchand
Town Manager

REM/ml

Office of the Selectmen

TOWN OF BRIDGEWATER
New Hampshire

Representative Judd Greg
House of Representatives
Washington D.C. 20510

Honorable Representative Gregg,

Recognizing the outstanding scenic, recreational and natural assets provided to our Town by the Pemigewasset River, and in view of National Park Service powers under the National Wild and Scenic Rivers Act to help local governments prepare long-term river protection plans, the Board of Selectmen urges that the Pemigewasset River, including the portion which flows through this community, be designated by Congress for study under this Act.

It will be our intention to work with the National Park Service towards our towns adoption of a locally prepared river conservation Plan by appointing a representative from our Conservation Commission to serve on the Task Force for the study.

Sincerely,

Maurice A. Jensen Jr.

Selectmen, Town of Bridgewater

TOWN OF BRISTOL
NEW HAMPSHIRE

BOARD OF SELECTME

October 15, 1987

The Honorable Judd Gregg
United States Representative
N.H. Highway Hotel
Fort Eddy Road
Concord, NH 03301

Dear Mr. Gregg:

As the Board of Selectmen in the town of Bristol, we wish to encourage the inclusion of the Pemigewasset River in a study by the National Park Service to determine its designation as part of the National Wild and Scenic River System. The Board is interested in seeing the Pemigewasset River included in this study for two reasons.

The Board of Selectmen is interested in the study of the river for the Wild and Scenic Rivers program because it will help give the community a sense of the river's value as a natural resource and the possible means of preserving it.

The Board would also like to express its interest in the inclusion of the Pemigewasset River in the study in light of the growth which has occurred in the area during recent years. Much of this development is attracted to the area because of its rivers and lakes. With this growth comes direct or indirect pressure on those valuable resources which were responsible for attracting attention to the area.

Because the river represents one of the most valuable natural resources in the area, we feel that the study's definition of the river's unique resources, special physical characteristics and values, and points of historical interest will enable the community to make a fully informed decision as to whether the actual designation is in its best interest.

Thank you in advance for your consideration of our request that the Pemigewasset River be included in this important study.

Sincerely,

Edward H. Gordon, Chairman

William R. Phinney

J.P. Morrison, Jr.
BOARD OF SELECTMEN

71 LAKE STREET, P.O. BOX 297, BRISTOL, NEW HAMPSHIRE 03222

TOWN OF CAMPTON

P.O. BOX 127 • CAMPTON, N.H. 03223
PHONE (603) 726-3223

June 18, 1987

Representative Robert Smith
506 Cannon House Office Building
Washington, D. C. 20515

Honorable Robert Smith:

Recognizing the outstanding scenic, recreational and natural assets provided to our town by the Pemigewasset River, and in view of National Park Service powers under the National Wild and Scenic Rivers Act to help local governments prepare long-term river protection plans, the Board of Selectmen urges that the Pemigewasset River, including the portion which flows through this community, be designated by Congress for study under said act.

It will be our intention to work with the National Park Service toward our town's adoption of a locally prepared river conservation plan, expanding as may be warranted on the special protections of the Pemigewasset corridor "overlay" adopted by a substantial majority of our 1987 Town Meeting.

We shall be so prepared, when so requested, to name a representative of the Town to serve on a Pemigewasset River Task Force for the study, and to execute such agreement with other Pemigewasset townships as may facilitate this effort. This person will likely be a member of our Conservation Commission.

Sincerely,

Clarence W. Pulsifer

Clarence W. Pulsifer

* Charles W. Cheney, Chairman

Charles W. Cheney

~~David A. Batchelder~~

Phillip Locke

Olive McBride / Alice Marie Fox

(NP)

536-1660 - 4:45

→ Been asked by the N. Stratford Company to go on record in support

In

"no great problem with the power project"

Selectmen's Office
Town of Holderness, Holderness, N. H. 03245
(603) 968-3537

May 13, 1987

Senator Gordon Humphrey
U. S. Senate
Washington, D.C. 20510

Honorable Senator Humphrey,

Recognizing the outstanding scenic, recreational and natural assets provided to our town by the Pemigewasset River, and in view of National Park Service powers under the National Wild and Scenic Rivers Act to help local governments prepare long-term river protection plans, the Board of Selectmen urges that the Pemigewasset River, including the portion which flows through this community, be designated by Congress for study under said Act.

It will be our intention to work with the National Park Service toward our town's adoption of a locally prepared river conservation plan, expanding as may be warranted on the special protections of the Pemigewasset corridor "overlay" adopted by a substantial majority at our 1987 Town meeting.

We shall be so prepared, when so requested, to name a representative of the town to serve on a Pemigewasset River Task Force for the study, and to execute such agreement with other Pemigewasset townships as may facilitate this effort. This person will likely be a member of our Conservation Commission.

Sincerely,

Board of Seclectmen

gw/sh

* [Nancy Stark (603) 271-4707]

Town of Plymouth
OFFICE OF SELECTMEN
PLYMOUTH, NEW HAMPSHIRE 03264
Phone 53

June 26, 1987

Representative Judd Gregg
New Hampshire Hotel
Concord, N.H. 03301

Honorable Representative Gregg:

The Plymouth Board of Selectmen has approved a study of the Pemigewasset River, specifically the section which flows through this community. This study will be conducted by the National Park Service under the National Wild and Scenic River Act, enacted to help local governments prepare long-term river protection. We look forward to working with the National Park Service toward our town's adoption of a locally prepared river conservation plan.

We have named two representatives of the town to serve on the task force for the Pemigewasset River Study. The representatives are Christopher Northrop and Gisela Estes. The latter is currently a member of our Conservation Commission.

Sincerely,

Carolyn A. Kent

Allen K. MacNeil

Henry C. Bird

Copies of this letter were sent to each of our state representatives & also to Glen Eagler of the National Park Service.

rm

TOWN OF SANBORNTON
SANBORNTON, NEW HAMPSHIRE 03269
603-286-4834 OR 603-286-8383

October 19, 1987

Mrs. Patricia P. Schlesinger
Pemigewasset River Council, Inc.
PO Box 552
New Hampton, New Hampshire 03256

Dear Mrs. Schlesinger:

Thank you for your letter of September 3.

Please be advised that we have written to members of the New Hampshire Congressional Delegation and J. Glenn Eugster of the National Park Service in support of the request that the Pemigewasset River be designated for study under the Wild and Scenic Rivers Act.

We are pleased to join in this project. Please let us know if there is anything further we can do.

Sincerely,

Board of Selectmen

jtd

Town of Thornton

INCORPORATED 1781

NEW HAMPSHIRE 03223

7/20/87

RECOGNIZING THE OUTSTANDINGING SCENIC , RECREATIONAL AND NATURAL ASSETS PROVIDED TO OUR TOWN BY THE PEMIGEWASSET RIVER, ANDIN VIEW OF NATIONAL PARK SERVICE POWERS UNDER THE NATIONAL PARK SERVICE POWERS UNDER THE NATIONAL WILD AND SCENIC RIVERS ACT TO HELP LOCAL GOVERNMENTS PREPARE LONG-TERM RIVER PROTECTION PLANS , THE BOARD OF SELECTMEN URGES THAT THE PEMIGEWASSET RIVER , INCLUDING THE PORTION WHICH FLOWS THROUGH THIS COMMUNITY, BE DESIGNATED BY CONGRESS FOR STUDY UNDER SAID ACT.

IT WILL BE OUR INTENTION TO WORK WITH THE NATIONAL PARK SERVICE TOWARD OUR TOWN'S ADOPTION OF A LOCALLY PREPARED RIVER CONSERVATION PLAN.

WE shall BE SO PREPARED , WHEN SO REQUESTED , TO NAME A REPRESENTATIVE OF THE TOWN TO SERVE ON A PEMIGEWASSET RIVER TASK FORCE FOR THE STUDY , AND TO EXECUTE SUCH AGREEMENT WITH OTHER PEMIGEWASSET TOWNSHIPS AS MAY FACILITATE THIS EFFORT . THIS PERSON WILL LIKELY BE A MEMBER OF OUR CONSERVATION COMMISSION .

SINCERELY ,

Arthur L. Wells

Clinton W. Peabody

Thomas E. Archer

BOARD OF SELECTMEN

SIERRA CLUB

LONE STAR CHAPTER

October 24, 1989

The Honorable Bennett Johnston
Chair, Committee on Energy
and Natural Resources
Seante Office Building
Washington, D.C. 20510

The Honorable Dale Bumpers
Chair, Subcommittee
on National Parks
Senate Office Building
Washington, D.C. 20510

Dear Senators Johnston and Bumpers,

I am submitting this written testimony to you on behalf of the Lone Star Chapter of the Sierra Club and its 17,000 members in the State of Texas.

Our organization totally supports S. 1302 and urges the subcommitte, the committee, and the U.S. Senate to, as quickly as possible, pass this important legislation to protect the missing, "Heart of the Big Thicket", Big Sandy and Village Creeks.

We need to complete the linkage of the Big Thicket National Preserve (BTNP) to ensure its integrity as a stream corridor and migration route for the unique assemblages of plants and animals that exists in the Big Thicket and as a protected area worthy of the Man and Biosphere Reserve designation that the United Nations has bestowed upon BTNP.

This linkage concept is the key to maintaining the BTNP's biological diversity. Due to BTNP's disjunct unit layout it is only feasible to prevent isolation and fragmentation of habitats in different units by holding them together with stream corridors. This concept has long been known by biologists (please see the attached articles). and was a prime reason that the original BTNP bill, in 1974, included Big Sandy and Village Creeks. Only a last minute, bitterly contested compromise, kept these creeks out of the 1974 BTNP bill.

Now we have anopportunity to make the BTNP whole again. This will not only benefit BTNP by linking the Big Sandy, Menard Creek, Turkey Creek, Lower Neches River, Beaumont, Little Pine Island Bayou, Lance Rosier, Upper Neches River, and Jack Gore Baygall Units together, by protecting arid sandylands habitat, by providing migratory and dispersal corridors for plants and animals, by protecting some of the best canoeing areas in Texas, but it also will help protect other important protected lands by creating a buffer zone around the Nature Conservancy's Roy E. Larsen Sandyland Sanctuary and the State of Texas' Village Creek State Park.

Rep. Charles Wilson and now Senator Lloyd Bentsen have done a superb job of reducing any impacts to the neighboring communities that this bill might have. They have drawn year round private residences out of the corridors, they have allowed exchange provisions for timber lands, and will make perpetual, in lieu of taxes, payments to county and local governments.

We need to protect our National Park System from not only threats within them, like overcrowding and overuse of the resources, but also we need to protect them from threats outside of System. The Big Sandy and Village Creek, and Canyonlands Units will provide buffer zones to protect the watershed of the Big Thicket area and the high quality water that makes Big Thicket possible.

It is this linear nature, that provides edge or ecotonal effects, where two different plant communities, in this case, the upland pines and the bottomland hardwoods, come together to create an area of greater natural diversity. With 50 miles of new corridor being established by S. 1302 the BTNP will have a large amount of this edge added to improve natural diversity.

Further, because of the richness of the soil in these bottoms, due to floodwater dropout of sediments and nutrients, plant production is much higher in Big Sandy and Village Creeks than in uplands. Because flowers and fruit are produced yearround the population density of animals is higher than upland areas. For example, bottomlands like Big Sandy and Village Creeks, have twice the deer population, one and a half times the small mammal density, and for migratory songbirds, one hectare (2.47 acres) of bottomland hardwood serves as overwintering habitat for summer breeding birds that exist on 6 hectares (14.82 acres) of northern forest.

The gradual transiton form the bottomlands in Big Sandy and Village Creeks to the uplands will provide a more habitable area for interior forest species like Louisiana Waterthrush that need the dense canopy of bottomland areas.

We urge you to, at your earliest convenience, pass this bill out so that the Big Thicket can be protected and made whole again. Enclosed are also copies of my previous written testimonies at the two House hearings as well as some important additional articles which tell about the areas importance and need for protection. If you have any questions at all please do not hesitate in contacting me. Thank you.

Sincerely,

Brandt Mannchen

Brandt Mannchen
Chair, Big Thicket Committee
Lone Star Chapter of the Sierra Club
629 Euclid
Houston, Texas 77009
H713-861-7552, W713-640-4311

Committee Note.--Attachments have been retained in files.

THE WILDERNESS SOCIETY

WRITTEN TESTIMONY OF JAY T. WATSON, REPRESENTING THE WILDERNESS SOCIETY, UNITED STATES SENATE, SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, ON S. 1302, THE BIG THICKET NATIONAL PRESERVE ADDITION ACT OF 1989, OCTOBER 25, 1989.

The Wilderness Society appreciates the opportunity to submit written testimony on S. 1302, the Big Thicket National Preserve Addition Act of 1989. Founded in 1935, The Society is dedicated to the protection and wise management of our federal public lands. Our current membership exceeds 330,000, with just under 10,200 members in the State of Texas alone.

The Wilderness Society fully supports passage of S. 1302. The legislation would expand the Big Thicket National Preserve by a modest, albeit important 14,000 acres. We applaud Senator Lloyd Bentsen for his recognition of the ecological and recreational significance of the proposed Village Creek Corridor Unit, Big Sandy Creek Corridor Unit, and Canyonland Unit. Likewise, we congratulate Representative Charles Wilson for introducing companion legislation in the House of Representatives (H.R. 919).

1400 EYE STREET, N.W., WASHINGTON, D.C. 20005
(202) 842-3400

In April 1989, I had the opportunity to visit and personally inspect the Big Thicket. Having seen the area, it is abundantly clear to me why the Big Thicket is called an "ecological crossroads." The convergence of habitat types such as Southwest desert, Central plains, Eastern and Appalachian forest, and southeastern swamp support remarkable biological diversity for which the Big Thicket is so well known. During several hikes in the Big Thicket, I was struck with the variety of distinct habitats found in the preserve. This habitat diversity supports an inordinate number of plant and animal species, including 85 different trees, more than 60 woody shrubs, 1,000 other species of flowering plants, and nearly 300 species of birds are all found in the Big Thicket National Preserve.

Today, the Big Thicket approaches another crossroad. The addition of the Village Creek and Big Sandy Creek Corridor Units to the preserve, would provide key biological linkages between the existing Big Sandy Creek, Turkey Creek, and Lower Neches River Units. The addition of these corridors will greatly enhance various wildlife/habitat interactions and increase the overall natural integrity of the preserve.

The second thing I was struck with in visiting Texas was the importance of federal public lands as a recreational resource in the State. The national forests, national parks and preserves, and national wildlife refuges in Texas are biological islands and recreational oases. Indeed, less than two percent of the entire state, is federal public land. In touring the Big Thicket and the four national forests to the north, I encountered full campgrounds, enthusiastic visitors, and more canoes than I ever expected to see. Recreational opportunities such as canoeing, hiking, fishing, and

wildlife-viewing will also be enhanced with the passage of this legislation -- particularly along the popular Village Creek.

One point I would like to emphasize concerns the alleged impact of S. 1302 on the availability of commercial timberland. In no uncertain terms, the affect of this legislation on timberland availability has been greatly exaggerated. It has been estimated that the proposed additions contain less than one-tenth of one percent of the commercial timberland base in Texas. Reserving such a small amount of land from production would have an inconsequential effect on timberland resources. Nonetheless, in crafting S. 1302, Senator Bentsen has been especially judicious in addressing the concerns of the timber industry in Texas. By providing for the exchange of timberlands within the proposed additions for suitable timberland currently administered by the Texas National Forests, Senator Bentsen has assured that reductions in available private timberland resources will be negligible.

It is important to recognize that the timber industry in Texas is strong and fully capable of weathering the passage of this bill, despite the impacts of a U.S. District Court decision in a lawsuit surrounding the endangered red-cockaded woodpecker. As evidence of this, I attach an April 4, 1989 editorial in the *Lufkin Daily News*, published in the heart of East Texas where the timber industry is centered. The editorial, titled "Claims appear unfounded," concerns the doom and gloom scenario depicted by the timber industry in the face of the woodpecker lawsuit. The editorial refers to a bi-monthly report prepared by the Texas Forest Service, a state agency. According to the editorial, a recent issue of the "Harvest Trends Report" indicates that timber cutting in

Texas reached an all-time high in 1987 and that timber production in 1988 was expected to exceed the record set in 1987. The high levels of timber production in 1988 took place despite the ban on clear-cutting of red-cockaded woodpecker habitat as set forth in the District Court injunction. Furthermore, the 1988 annual report prepared by the Texas Comptroller General, East Texas should add 1,000 jobs in 1989 due to a quote "resurgence in the forest products industry." I request that this editorial be entered into the hearing record.

In closing, Mr. Chairman, S. 1302 will allow the "biological imperatives" of the preserve to continue to freely operate and will increase recreational opportunities in the State of Texas. One of the most precious and rare resources in the State of Texas is federal public land. Expanding the preserve in the modest and judicious manner set forth in S. 1302 will yield substantial public benefits through an increase in the state's public land base. We urge the committee to approve and favorably report the Big Thicket National Preserve Addition Act of 1989.

6A THE LUFKIN·DAILY NEWS
Tuesday, April 4, 1989

Editor

"The public interest must always be paramount. Every useful interest should be treated fairly, but it must always be remembered that individual and corporate designs sometimes trespass on the rights of the public. These interests are organized and employ their own representatives, while the people without organization must look to an honest and courageous press for protection."
— Gov. James M. Cox (1890-1957), founder of Cox Newspapers

Editorials

Claims appear unfounded

WE'VE BEEN hearing widespread predictions of doom and gloom as a result of the long-running controversy over the adverse affects of the red-cockaded woodpecker on the East Texas timber industry.

But the facts don't seem to support those claims.

The bi-monthly market report of timber price trends in Texas prepared by the Texas Forest Service reveals some eye-opening details.

The TFS Harvest Trends Report, on which the East Texas stumpage estimate is based, indicates that the timber harvest surpassed the 600 million cubic foot mark in 1987. It is the largest harvest on record and most likely the largest volume of timber ever harvested in East Texas.

The market report goes on to say that expectations are that 1988 will exceed the previous year's mark when surveys are tallied later this year.

All this growth was taking place during the time when the woodpecker was supposed to have devastated the timber industry.

According to the 1988 annual report issued by Texas Comptroller Bob Bullock, East Texas growth should reach 1.5 percent, adding 1,000 jobs over the next year. Bullock said "a resurgence in the forest products industry is spearheading the turnaround."

There's no disputing the important role timber production plays in the overall scheme of the East Texas economy, but the claim that it has been "devastated" by the woodpecker controversy is clearly unfounded.

— DH

NOV 0 7 1989

Mr. James C. Cleveland
Mr. Robert P. Bass, Jr.
Mr. David E. Tardif
125 North State Street
Concord, New Hampshire 03301

November 6, 1989

Honorable Dale Bumpers, Chairman
U.S. Senate Committee on Energy
and Natural Resources
Dirksen Senate Building, Room 229
Washington, DC 20510

Re: Senate Bill 1046 - To designate the Merrimack River as a river to be studied for inclusion in the National Wild and Scenic Rivers System

Dear Senator Bumpers and Committee Members:

We write to urge amendment to the above-captioned bill as persons owning or having a legal interest in land in the City of Concord, New Hampshire affected by this bill.

On May 18, 1989, Senators Rudman and Humphrey of New Hampshire introduced legislation seeking amendments to Sections 5(a) and (b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a) and (b)). If enacted in its current form, the legislation would (1) add to the list of rivers designated for potential addition to the national wild and scenic rivers system a segment of the Merrimack River from its origin in Franklin, New Hampshire to the backwater impoundment at the Hooksett Dam, excluding Garvins Falls Dam and its impoundment, and (2) authorize and direct a study of the Merrimack River to be completed and a report submitted within three years of the enactment of the legislation regarding the suitability or nonsuitability of this segment of the Merrimack River for addition to the national wild and scenic rivers system.

We are in favor of much of the bill. However, if enacted in its current form, the legislation would have serious adverse economic effect on the residents of the City of Concord. The legislation would jeopardize too much of the privately owned land near the river from development and addition to the City's tax base. It also would add to the list of river segments for potential inclusion into the national wild and scenic rivers system, a segment of the Merrimack River which the U.S. Department of the Interior, National Park Service has already determined to be unfit for this consideration.

Enacted in 1968, the Wild and Scenic Rivers Act has the single goal of protecting the free flowing characteristic of designated rivers which, with their immediate environments, possess outstandingly remarkable values of national significance. The Act's goal is noble and one with which we are in full agreement.

As stated, we are in favor of the completion of the proposed study and the designation of the entire twenty-seven miles of river at issue, provided that the boundaries of the study area are restricted. We urge the boundaries be no more than three hundred feet on either side of the river from Goodwin Point to Garvins Falls Dam and its impoundment. The boundaries for the balance of the study segment affected by the bill would be one-quarter mile on either side of the river. We urge this restriction of the study area for several reasons.

First, in July of 1987 the National Park Service, Mid-Atlantic Region published its "Draft Assessment of the Concord, New Hampshire Segment of the Merrimack River". This study was undertaken at the request of the Concord City Council. Originally, the study was to focus on the segment of the Merrimack River flowing from Goodwin Point to Garvins Falls Dam. However, due to the types and densities of land uses adjacent to the river from the Interstate 393 bridge, which crosses the Merrimack River, to Garvins Falls Dam, the segment of the river was dropped from consideration. In essence, even without the benefit of a full study, the National Park Service was able to rule out the segment of the river flowing from the Interstate 393 bridge to Garvins Falls Dam as not meeting the minimum qualifications for inclusion in the system. Also, a review of the National Park Service's "Draft Assessment of the Concord, New Hampshire Segment of the Merrimack River" reveals that it was only by averaging the development point value of the river segment running from Goodwin Point to the Interstate 393 bridge with that of the river segment running from Franklin, New

Hampshire to Goodwin Point, that the Goodwin Point/Interstate 393 river segment would have a development point value meeting the minimum criteria. In essence, standing alone, the Goodwin Point/Interstate 393 river segment's development point value exceeded the maximum development point value eligibility level. This result is not surprising given the indiscriminate and large size of the land area considered under the federal act as part of the study area, and the orientation of the major commercial development of the city in this area. The completion in the last year of a large trash to energy plant and the Monitor Publishing complex within the proposed study area also evidences a continuation of this pattern of development. Yet the current legislation, if enacted, would result in the study and possible designation of that very segment of the river and its environs within one-quarter mile. The incongruous nature of this result is obvious.

Under the circumstances it seems inconsistent and inappropriate to include so much land in this urban area in the study area. Although a study of the waterway and its most immediate embankments would be worthy of study for recreational designation, such a study does not require as broad a study area as a potential wild or scenic river designation would require.

Second, if the legislation is enacted as currently written, much of the City of Concord's business district and a large portion of its future tax base would be included in the study area. As the statute and regulations require, this would necessitate a quarter mile study area on each side of the river. The result would be a practical moratorium on growth and expansion in this vitally important area of the city. Even in those instances where local permits could be obtained, a review of any proposed project by National Park Service personnel would likely be required thereby producing a chilling effect on the local and state regulatory processes with respect to land within one-quarter mile of the river that is urban or near urban and has already been found by the National Park Service to be too inhabited by humans to qualify for designation.

Third, all of the land in the city affected by the proposed legislation is subject to a local zoning ordinance and state land use statutes. These state and local land use laws and regulations are, and have been, sufficient to protect the community's interests in preserving the desirable characteristics of the river. This is an especially significant point given the National Park Service's assertion that enactment of this legislation would only preclude the issuance of federal permits

for water resource projects. Because no such water resource projects are contemplated for development on this river segment, the proposed legislation and the costly study accompanying its enactment are unnecessary. Furthermore, we have approached city officials with, and will presently submit to the City Council, a proposed revision to the local land use ordinance which would preclude any development within three hundred feet of the mean high water mark of the river. The adoption of this amendment would accomplish the same practical ends this legislation seeks to accomplish at a fraction of the costs. All that would remain needed is the commitment of the federal government to leave the waterway undisturbed.

Fourth, you must consider whether it is necessary to have one-quarter mile study area boundaries. As stated, the primary purpose of the Act is to protect the free flowing characteristic of a river segment. The focus is, and must remain, on the condition of the waterway. In urban areas, unlike wilderness and rural areas, the impact of a broad study area is much more dramatic. A greater number of landowners and potential land uses are affected when a broad study area is designated in an urban area. Also, it is fair to assume that a river segment in an urban area will probably only qualify, if at all, for recreational designation. As such, the impact of a lengthy study on landowners should be minimized by establishing a study area that will permit the National Park Service to determine if the minimum requirements for recreational designation are met. In this instance, the establishment of a quarter mile study area on each side of the river is an unnecessary measure. The natural terrain surrounding this river segment, including steep terrain within three hundred feet of much of the river's edge will provide the necessary buffer to insure that the area remains riverine in appearance both during the study period and thereafter.

Fifth, this legislation will adversely interfere with badly needed public works projects currently planned. For example, this legislation would certainly delay, if not preclude, the making of projected extensive renovation of the Manchester Street Bridge and its approaches. Located in the southern portion of Concord, this bridge links Concord and the surrounding communities of Pembroke, Allenstown, and Suncook, and is an integral part of the vehicular traffic plan of the city.

Sixth, recently the Merrimack River Coordinating Committee, the organization which originally recommended that the city seek this legislation, has voted to recommend an extension of the

comment period for this legislation. We submit that this action signifies a growing public concern among city residents of the impact of this legislation. This is not surprising given the incomplete manner in which the proposed legislation was presented to the City Council.

We defer to no one in our concern for the environment in general and in our support of the continuing effort to improve the quality of the Merrimack River. But this bill as it applies to the segment of the river in the City of Concord, an urban area, would likely interfere with public and private development currently planned or in progress, would unduly impact the rights of private landowners, violates the Park Service's own criteria, would unnecessarily conflict or at least be redundant with existing state and local (Concord) regulatory mechanisms, and is generally inappropriate for this area of relatively high residential, commercial and industrial density. The bill should be amended to limit the study to the river itself and three hundred feet on either side, or by striking this segment from the study altogether.

Incidentally, the undersigned own about two hundred acres with a half mile on the river. We are currently considering a development plan for this land which would provide for a three hundred foot river greenway buffer zone, and about half of the balance of our land will be permanently dedicated as open space.

Thank you for your consideration of our concerns and recommendations.

Very truly yours,

James C. Cleveland

Robert P. Bass, Jr.

David Tardif

Testimony to the U.S. Senate
Sub-Committee on Public Lands, National Parks and Forests
Regarding S. 1594
Presented by Harry Stokes, President
Gettysburg Borough Council
October 26, 1989

Thank you, Chairman Bumpers, and members of the Sub-Committee, for having me here to testify today.

My name is Harry Stokes. I am a resident and citizen of the Borough of Gettysburg. For the last four years I have served on Gettysburg's borough council, and since January of 1988 have had the privilege of serving as president of borough council. The thoughts I want to express to you today derive from my experience as a member of local government and as a leader in Gettysburg's downtown revitalization effort.

S. 1594, I believe, will benefit the Borough of Gettysburg. This is a case where different groups or entities, with very different purposes in mind, may unite behind a single course of action. The National Park Service wishes to preserve and memorialize an historic battlefield. Gettysburg, while it may wish to see the battlefield preserved, must also struggle to preserve its economic health and vitality. Happily, these two purposes -- the one to preserve, the other to prosper -- in this instance coincide.

I have come here today to stress this point, which may be somewhat unique to your deliberations. Most of the arguments for S. 1594 no doubt relate to points of history or to the philosophy of preservation, while arguments against S. 1594 may be economic in nature -- that the bill will hurt the local economy

or be adverse to private interests. I want to turn that argument on its head where it belongs, by saying: No -- it will help us in Gettysburg, and it will help our downtown revitalization effort.

Gettysburg is surrounded by townships. While we have excellent planning and zoning in the borough, the townships around us have weak zoning or no zoning at all. Moreover, they have no effective local historic district regulations. It is my impression that the majority of the residents in these townships would support reasonable land-use and historic district controls, but, in some cases, the local leadership is behind the times and seems reluctant to put these controls in place. That is extremely unfortunate for Gettysburg, for it has left us vulnerable to unchecked commercial strip development beyond our borders that directly undermines our downtown business sector. This type of unplanned and unsightly growth hurts us in another way: it detracts from the beauty and the uniqueness of the battlefield that carries our name, and hence, it hurts our reputation. As a result, it also hurts our ability to attract high-quality businesses to our town.

The battle that was fought in our locale was not named the "Battle of Cumberland Township" or the "Battle of Straban Township" -- it was named the Battle of Gettysburg. The town of Gettysburg has done its part to preserve the history of the battle. We have an excellent local historic district ordinance that has been effective in preserving the old-fashioned appeal of our town. Despite the sometimes heavy burdens that have been placed on us as a town that remembers -- and seeks to keep that

memory alive for the nation -- we have managed to survive in the marketplace. But it has not been easy. And actions that the National Park Service, or the federal government, have taken have not always been in our favor.

Some twenty seven years ago the Park built an elaborate visitors complex to the south of our town which acted in competition with our downtown and seriously undermined it. An emptying-out process began which eventually resulted in the loss of one of our truly historic landmarks to fire and dereliction -- the old Hotel Gettysburg. This hotel, you may recall, served as President Eisenhower's vacation White House when he was at his Gettysburg farm. I am happy to report that, with the use of a number of locally-funded economic incentives, we have found a developer who will restore the Hotel Gettysburg and recreate it as an historic landmark.

But this strategy for marketing the center of town is predicated on the assumption that we have something valuable to market. Also, we have been carefully forging a tandem approach with the Park Service, where their visitors complex and our center of town will function not as competitors, but in a mutually compatible way. This effort is called Gettysburg's Historic Pathway, and is currently proposed for modest funding before this Congress.

Because we have tied our economic development strategy to the battlefield, and to our historic resources in the Borough, which are many, we are now more than ever susceptible to your decisions at the federal level. Actions you take to preserve and

protect the battlefield will also help to preserve and protect Gettysburg.

I therefore urge you and your colleagues in the Senate to vote for S. 1594, for all the obvious reasons, but also because it will be good for local business -- our businesses in Gettysburg.

Thank you.

1989 NOV -1 AM 11: 25

October 24, 1989

The Honorable Dale Bumpers
Chairman
Sub-Committee on Public Lands, National
Parks and Forests
308 Senate Dirksen Office Building
Constitution Avenue and First Street N.E.
Washington D.C. 20510

Dear Senator Bumpers:

On behalf of the 100,000 members of National Parks and Conservation Association, a non-profit membership organization founded in 1919 that seeks to promote the preservation, protection and public understanding of our nation's National Park System, we would like to express our support of S. 1594, legislation to expand the boundaries of the Gettysburg National Military Park.

This bill reflects a consensus park boundary which is the product of months of intensive public participation and comment on a variety of suggested boundary revisions. The National Park Service conducted many public meetings in the vicinity of Gettysburg and as we understand it, the current bill has the support of the majority of the citizens of that community. We are particularly pleased to see that this bill generally reflects the proposed boundary recommendations outlined in our recent publication Investing in Park Futures: The National Park System Plan (see Vol V pages 72-75; see attached).

Mr. Chairman, it is sad that it took so long for this boundary proposal to be advanced to Congress. Several nationally significant properties associated with the Gettysburg campaign have been lost and several are threatened today: the most recent example is a structure used as one of General Meades headquarters (July 4-7 1863), located at Baltimore Pike south of Gettysburg. The structure was standing but a few months ago. Another is the Hartman Farm, an area included in this proposed boundary (approximately 40 acres), which today is threatened with a sub-division up-zoning (revising the areas agriculture zone to commercial). If local officials grant the developers request, an auction house will soon be constructed on this land.

Throughout the years other historic lands have been lost. McAllister Hill, an important topographic feature envisioned by veterans themselves in the so-called "Sickles Map" to be made a part of the battlefield, is now host to a miniature golf course. Also, an important portion of the "Picketts Charge" battleground, which was included both in the Sickles map and park master plans drawn up in the 1930s and 40s known as the Colt Park area, has been lost to hotels and residential subdivisions.

National Parks and Conservation Association
1015 Thirty-First Street, N.W., Washington, D.C. 20007
Telephone (202) 944-8530

In order to best protect those remaining lands considered significant for promoting public understanding of the Gettysburg campaign, we support establishment of well defined park boundaries as envisioned in Section 1 of this bill. Preferably, a significant portion of these lands should be owned by the government in fee simple. However, this proposal seeks federal acquisition of only approximately 178 acres in fee simple with acquisition of easements totalling some 1614 acres. Mr. Chairman, important resources identified in this proposed boundary should receive the highest level of federal protection.

There are several areas that are not included in the consensus boundary recommendations for the park, that warrant consideration for inclusion as part of the official boundary. First is the parcel approximately three acres in size which fronts the Baltimore Pike, adjacent to Slocum Avenue the---the so-called "Battlefield Military Museum" parcel. The cinder-block structure and historic building (located just ten feet away from the battlefield tour route), is in an area of high visibility for the public. The structure on the property nearest the park boundary dates to the battle and possesses historic integrity and significance. We suggest the subcommittee consider including this area within the parks designated boundary.

Secondly, we suggest the subcommittee consider adding the Jacob Weikert Farm (the so-called "Little Round Top Farm") on the Taneytown Road to the boundary. This property rests on approximately 25 acres of land and was used as a field hospital. The house and barn date to the war. It is also adjacent to areas recommended for inclusion in the proposed boundary.

Mr. Chairman, we are particularly pleased with the provisions in Section 3 of this bill authorizing the Secretary to enter into agreements with respect to monuments and tablets located outside the Park boundary. However, we recommend report language urging the National Park Service to enter into agreement with the Evergreen Cemetery to protect the historic integrity of the Brick Gate House. This structure dates to 1853 and is one of the most important landmarks in Gettysburg. It is from this cemetery that generations of school children know the geographic feature, Cemetery Hill. We believe the National Park Service should enter into a maintenance agreement with the Cemetery so that this often photographed landmark can be preserved, protected perhaps even partially maintained with federal funds.

Section 4 of this legislation seeks to address issues relating to the conservation of the historic setting. Without a doubt, this park is located in a suburban growth corridor. With the widening of highway US 15 more and more people will be moving to Gettysburg hoping to make this community their home. As such, in the future there will be tremendous pressure to develop lands adjacent to the proposed boundary. Today, enlightened preservationists recognize that it is not enough to simply protect the "core" historic ground, but any new park boundary legislation must address with great care and concern the "adjacent" land issue.

Clearly at Gettysburg there is a need to protect and in some cases restore the historic viewshed: the Gettysburg "tower" comes immediately to mind. We suggest language for the bill or report language reiterating the intent of the veterans

and early preservationists who sought to preserve this battlefield as a means to commemorate the struggles and triumphs of the soldiers who fought here. Such language should emphasize the importance of not only protecting the key resources critical to maintaining and interpreting the significance of the Gettysburg battlefields, but the necessity to restore when possible and feasible the battlefield's viewshed to its historic appearance.

In this vein we recommend the following language (drawn from the recent legislation to expand the boundary of the Fredericksburg-Spotsylvania National Military Park) be inserted in this legislation: "The Secretary is authorized to accept donations of conservation easements on lands adjacent to the park. Such conservation easements shall have the effect of protecting the scenic and historic resources on park lands and the adjacent lands or preserving or restoring the undeveloped or historic appearance of the park when viewed from within or without the park."

Finally Mr. Chairman, we suggest this legislation provide some concrete direction for the National Park Service in how best to interpret this park to the general public. It should be remembered that veterans of the battle were instrumental in establishing this military park. In the late 1800s the federal government first assumed the responsibility for preserving, commemorating and interpreting the battlefield. At that time the battlefield was administered by the War Department. Also at that time the battlefield was treated as sacred ground, where lands were protected and memorials erected to the soldiers who fought and died there. Administration of the battlefield then transferred to the National Park Service in 1933 and made part of a growing system of national parks serving diverse population groups. Today, the Service is under increasing pressure by several communities of park users who view battlefields as potential "multiple-use areas" where expanded recreational activities would be appropriate. We disagree.

We view it as vitally important for Congress to state in unequivocal terms that Gettysburg National Military Park was and is established to preserve, commemorate and interpret the battle of Gettysburg. This charge includes interpretation of the park resources not only in terms of military significance but also in terms of the broader story---for example, political and social history and the parks significance as a pioneering effort in the evolution of the American historic preservation movement.

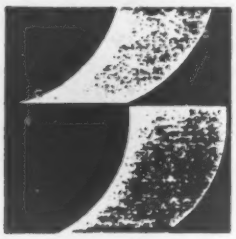
Sincerely,

Bruce Craig

Bruce Craig
Cultural Resources Coordinator
Federal Activities

PARK BOUNDARIES:

WHERE WE DRAW THE LINE



National Parks and Conservation Association
Washington, D.C.
February 1988

GETTYSBURG NATIONAL MILITARY PARK
Pennsylvania

ESTABLISHMENT: Established February 11, 1895; transferred from War Department August 10, 1933.

PRIMARY MISSION: Gettysburg National Military Park was established to preserve the grounds as well as the natural and artificial defenses of the Civil War Battle of Gettysburg as they were at the time of battle. It is also preserves the memorial structures erected by the veterans, and families and friends of the veterans, that commemorate the struggles and triumphs of the soldiers who fought here.

PREVIOUS BOUNDARY CHANGES: January 31, 1948; July 31, 1953; April 1, 1974.

RECOMMENDED BOUNDARY ADJUSTMENTS:

In an effort to break the stalemate of the first two days of battle, Confederate General Robert E. Lee conceived of a bold strategy to break the Union line. What came to be known as Picketts Charge ended in heavy casualties and defeat for the Confederate army. The battle at Gettysburg signaled the beginning of the end for the Confederate nation. Today, the battlefield and adjacent lands which conceivably could protect the historic scene are poorly protected by the existing park boundary.

(1) Viewshed Protection Area: This small parcel is needed to complete the protection of the historic view of McPherson Ridge and the Lutheran Seminary from Reynolds Avenue. The parcel is privately owned and developed with a tennis court.

(2) Willoughby Run: Presently it is difficult for the Park Service to interpret the battle of Gettysburg from the southern perspective as little land that was occupied by Confederate forces is protected within the park boundary. It is recommended that the western boundary of the park be extended as far as Willoughby Run to protect the land behind Seminary Ridge that was used as an encampment and staging area for Confederate forces. The land between the detached Hospital Woods site and McPherson Ridge is presently occupied by a golf course and country club and the Park Service may only need to acquire height easements to protect the viewshed.

(3) Marsh Creek: This area located at the southwest corner of the park, is the site of a little appreciated component of the third day of battle. Reacting to skirmishing by a ragtag Union outfit on his right flank, General Lee pulled back 15,000 to 20,000 men to prevent a flanking maneuver by the Union Army. This action effectively cut the Confederate advance under General George Pickett in half, which undoubtedly had a significant effect on his attack plan. It is recommended that the boundary of Gettysburg National Military Park be extended west to Marsh Creek and to a point as far north as Water Works Road. In addition to preserving the site of battle this adjustment will incorporate the covered bridge that crosses Marsh Creek. The bridge is a National Register property and is recognized as one of the last covered bridges in the state of Pennsyl-

vania that is in relatively good condition. It also played a role during the Battle of Gettysburg both as an access and retreat route for the Confederate army.

(4) **Protective Corridor:** If added to the park, these lands east of the current boundary would greatly enhance the visual and management integrity of the park. All of the land north of Granite School House Road along the Baltimore Pike should have been included when the park was originally established. The area is primarily developed with single family homes. The Baltimore Pike was the main access and supply route for the Union army during the battle and is, in that respect, important to interpreting the Unions strategic maneuvers. Also included in this recommendation is a protective corridor along Taneytown Road from the Interstate 15 exit. It has been proposed that this exit ramp be developed as the primary entrance corridor for the park. The modified boundary has been aligned along prominent topographical features and thereby offers excellent viewshed protection from the avenues and battlefield tour route.

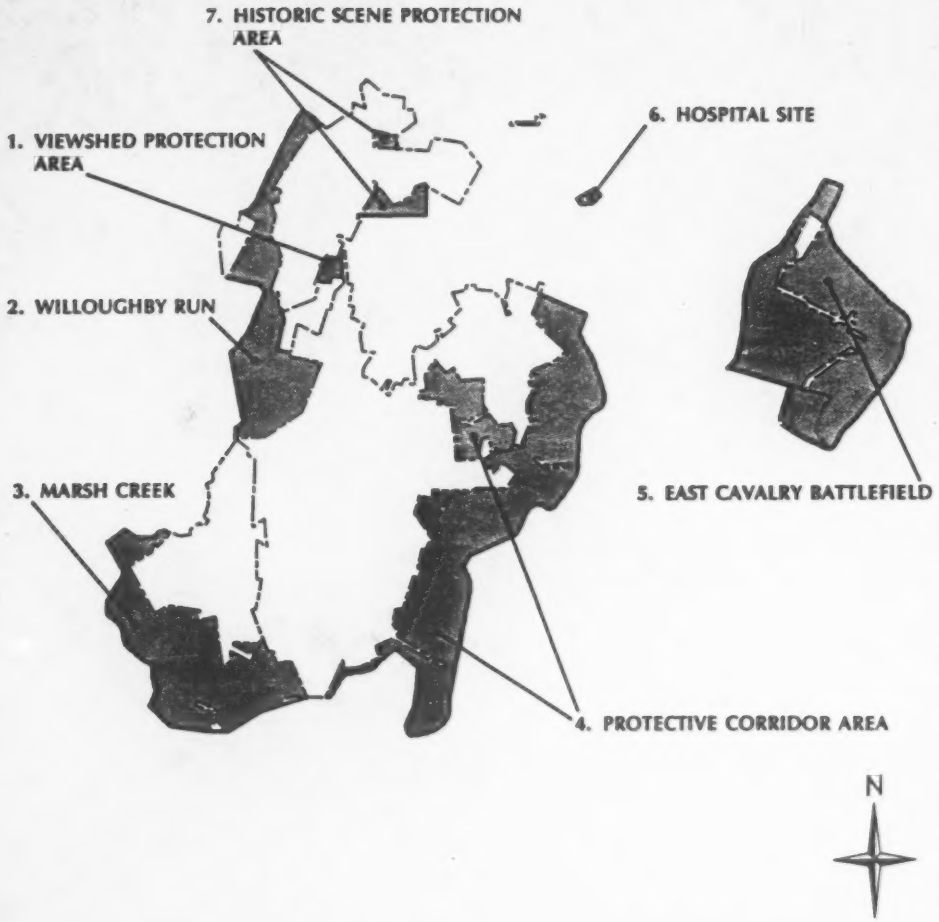
(5) **East Cavalry Battlefield:** On the third day of battle, J.E.B. Stuart's Cavalry engaged in a sweeping expedition to the east, hoping to drop down under the Union army's vulnerable right flank and attack from the rear. However, Stuart's advance was delayed and eventually intercepted by Union calvary. Cannon and monuments along park access roads mark the site of the battle but very little of the ground where the battle took place is currently protected. The site has remarkable integrity of feeling. It is preserved only because the land, now in private ownership, is still farmed. This proposed addition will protect the entire battleground and the scenic viewshed, which is naturally limited by topographic and vegetation features.

(6) **Hospital Site:** This nearly square 10-acre parcel is the site of Camp Letterman General Hospital, one of the primary field hospital sites used during the battle that has not been developed. Though the site is detached from the main unit and the region is intensely developed, its historical significance is of such a magnitude that its acquisition is justified.

(7) **Historic Scene Protection Area:** These two parcels north of the town of Gettysburg represent some of the last remaining undeveloped portions of the battlefield in this region. The areas are integral components of the historic scene and would significantly enhance the Park Service's ability to protect and interpret the fighting that took place north of the town on the first day of battle.

(8) **First Shot Monument:** The First Shot Monument (located on Route 30) is significant as it is the documented site of the first shot of the battle which signalled the initial skirmishing between the Federal and Confederate forces. The NPS owns a 10-foot wide strip up Route 30 that provides visitor access to the monument. The grounds (approximately 1 acre) around the monument are privately owned and should be acquired. This addition is not shown on the map.

National Parks and Conservation Association
Boundary Study
February 1988



GETTYSBURG
NATIONAL MILITARY PARK
PENNSYLVANIA

NATIONAL PARKS AND CONSERVATION ASSOCIATION, 1988